

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0475

*Affirmed
Overpayment*

PROCEDURAL HISTORY: On July 27, 2010, the Oregon Employment Department (the Department) issued notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 130623). On August 30, 2010, ALJ M. Davis conducted a hearing and on September 1, 2010, issued Hearing Decision 10-UIB-22076, affirming the Department's decision. On September 9, 2010, claimant filed an application for review with the Employment Appeals Board (EAB). On October 5, 2010, EAB issued Appeals Board Decision 10-AB-2780, affirming the Department's decision. Claimant filed a timely Petition for Judicial Review with the Oregon Court of Appeals but withdrew his request for appeal. On November 4, 2010, Appeals Board Decision 10-AB-2780 became final.

On January 22, 2014, the Department issued two notices of two administrative decisions; one assessing a \$7,395 overpayment of Emergency Unemployment Insurance Benefits (EUC) based on EAB decision 10-AB-2780 (decision # 164054), and one assessing a \$375 overpayment of Federal Additional Compensation Benefits (FAC) based on EAB decision 10-AB-2780 (decision # 164239). On February 10, 2014, claimant filed a timely telephone request for hearing. On February 26, 2014, the Office of Administrative Hearings (OAH) issued one notice of two hearings scheduled for March 11, 2014, one at 10:00 a.m. and one at 12:00 p.m. On March 11, 2014, ALJ R. Frank conducted a hearing, and on March 12, 2014, issued Hearing Decisions #14-UI-12266 and 14-UI-12267, affirming the overpayment decisions. On March 26, 2014, claimant filed applications for review with the EAB.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions #14-UI-12266 and 14-UI-12267. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-0474 2014-EAB-0475).

EAB considered claimant's written argument to the extent it was relevant and based on the hearing record.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decisions under review are **adopted**.

DECISION: Hearing Decisions #14-UI-12266 and 14-UI-12267 are affirmed.

Tony Corcoran and D. E. Larson;
Susan Rossiter, not participating.

DATE of Service: April 2, 2014

NOTE: You may appeal this decision by filing a Petition for Judicial Review with the Oregon Court of Appeals within 30 days of the date of service listed above. *See* ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem, Oregon 97310, or visit the website at <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.

Note: the above link may be broken due to unannounced changes to the Court of Appeals website, in which case you may contact the Appellate Records at (503) 986-5555.