

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0539

Affirmed
Overpayment

PROCEDURAL HISTORY: On October 17, 2013, the Oregon Employment Department (the Department) served notice of a Wage and Potential Benefit Report reducing claimant's weekly benefit amount. On October 28, 2013, the Wage and Potential Benefit Report became final without a request for hearing having been filed. On February 3, 2014, the Department served two notices of two administrative decisions; one assessing a \$217 overpayment in Emergency Unemployment Insurance Benefits (EUC) benefits (decision # 73820), and one assessing a \$6,318 overpayment in regular unemployment insurance benefits (UI) (decision # 73528), both based on the Wage and Potential Benefits Report. Claimant filed a timely request for hearing. On February 28, 2014, the Office of Administrative Hearings (OAH) issued two notices of a consolidated hearing scheduled for March 17, 2014, between 8:00 a.m. and 10:00 a.m. On March 17, 2014, ALJ Kirkwood conducted a consolidated hearing, and on March 20, 2014, issued Hearing Decisions 14-UI-12691, affirming decision # 73820, and 14-UI-12920, modifying decision # 73528.¹ On April 1, 2014, claimant filed applications for review with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 14-UI-12691 and 14-UI-12920. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-0540 and 2014-EAB-0539).

EAB considered claimant's written statement to the extent it was 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**.

¹ Hearing Decision 14-UI-12920 concluded that claimant must repay \$4,131 to the Department or have it deducted from future benefits payable up to 52 weeks, and must repay \$2,187 to the Department or have it deducted from future benefits payable up to five years.

DECISION: Hearing Decisions 14-UI-12691 and 14-UI-12920 are affirmed.

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

DATE of Service: April 17, 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.