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State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

851
MC 010.05
AAA 005.00

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0557

Affirmed
Overpayment

PROCEDURAL HISTORY: On December 23, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not available for work from September 29, 2013 to December 14, 2013 (decision # 83806). On January 13, 2014, decision # 83806 became final without a request for hearing having been filed. On February 27, 2014, the Department served notice of an administrative decision (decision # 92349) assessing a \$2,332 overpayment based on decision # 83806. On March 4, 2014, claimant filed a request for hearing on both decisions. On March 18, 2014, the Office of Administrative Hearings (OAH) issued two notices of two hearings scheduled for April 1, 2014, one at 9:30 a.m. and one at 10:45 a.m. On April 1, 2014, ALJ Wipperman conducted a hearing, and issued Hearing Decisions 14-UI-13957, dismissing claimant's late request for hearing on decision # 83806, and 14-UI-13955, affirming decision # 92349. On April 7, 2014, claimant filed an application for review of Hearing Decision 14-UI-13955.

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

DECISION: Hearing Decision 14-UI-13955 is 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.