

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0763

Affirmed
Overpayment Assessed
(Se impuso sobrepagó)

PROCEDURAL HISTORY: On May 13, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was ineligible for Emergency Unemployment Compensation (EUC) benefits from December 16, 2012 to April 13, 2013 (decision # 71409). Claimant filed a timely request for hearing. On June 4, 2013, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for June 13, 2013 at 10:45 a.m. On or around June 5, 2013, claimant withdrew his request for hearing. On June 13, 2013, ALJ Wyatt issued Hearing Decision 13-UIB-09737-D, allowing claimant's request to withdraw his request for hearing. On June 26, 2013, Hearing Decision 13-UIB-09737-D became final without an application for review having been filed.

On March 25, 2014, the Department served notice of an administrative decision (decision # 142321) assessing a \$8,057 overpayment in Emergency Unemployment Compensation (EUC) based on decision # 71409. Claimant filed a timely request for hearing. On April 22, 2014, ALJ Lohuis conducted an interpreted hearing at which claimant appeared and testified, and on April 23, 2014, issued Hearing Decision 14-UI-15838, affirming decision # 142321. On May 5, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that he provided a copy of his argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). The argument also contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond claimant's reasonable control prevented him from offering the information during the hearing as required by OAR 471-041-0090 (October 29, 2006). We considered only information received into evidence at the hearing when reaching this decision. *See* ORS 657.275(2).

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-15838 is affirmed.
Decisión de la Audiencia 14-UI-15838 queda confirmada.

Tony Corcoran and J.S. Cromwell, *pro tempore*;
Susan Rossiter and D.E. Larson, not participating.

DATE of Service: May 27, 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.

NOTA: *Usted puede apelar esta decisión presentando una solicitud de revisión judicial ante el Tribunal de Apelaciones de Oregon dentro de los 30 días siguientes a la fecha de notificación enumerados anteriormente. Ver ORS 657.282. Para obtener formularios e información, puede escribir a la (Oregon Court of Appeals, Records Section) Corte de Apelaciones de Oregon, Sección de Registros, 1163 State Street, Salem, Oregon 97310, o visitando el sitio en el Internet en <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.*

Nota: el vínculo anterior puede no funcionar debido a cambios sin previo aviso al sitio en el Internet de la Corte de Apelaciones, dándose el caso puede ponerse en contacto con el Registro de Apelaciones (Appellate Records) al (503) 986-5555.