

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0776

*Affirmed
Disqualification
Overpayment*

PROCEDURAL HISTORY: On December 31, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause and was subject to disqualification, effective November 25, 2012, until requalified under the law (decision # 93238). On January 21, 2014, decision # 93238 became final without a request for hearing having been filed. On January 24, 2014, the Department served notice of an administrative decision (decision # 195014) assessing a \$8,408 overpayment, \$1,261.20 in monetary penalties, and 52 penalty weeks based on decision # 93238. Claimant filed a request for hearing on both decisions. On April 3, 2014, the Office of Administrative Hearings (OAH) issued two notices of two hearings scheduled for April 22, 2014; one at 9:30 a.m. and one at 10:45 a.m. On April 22, 2014, ALJ Wipperman conducted a hearing, and on April 30, 2014, issued Hearing Decision 14-UI-16410, allowing claimant's late request for hearing on decision #93238, and concluding that claimant voluntarily left work without good cause and was subject to disqualification, effective December 23, 2012, until requalified under the law. Also on April 30, 2012, ALJ Wipperman issued Hearing Decision 14-UI-16411, affirming decision # 195014. On May 5, 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-16410 and 14-UI-16411. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-0776 and 2014-EAB-0877).

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-16410 and 14-UI-16411 are affirmed.

Susan Rossiter and Tony Corcoran;
D. E. Larson and J. S. Cromwell, *pro tempore*, 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.