

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0880

*Affirmed  
Overpayment*

**PROCEDURAL HISTORY:** On February 11, 2010, the Oregon Employment Department (the Department served notice of an administrative decision concluding claimant voluntarily left work without good cause. Claimant filed a timely request for a hearing. On April 20, ALJ Wymer conducted a hearing and on April 21, 2010, issued Hearing Decision 10-UIB-09237, affirming the administrative decision. On April 22, 2010, claimant filed an application for review with the Employment Appeals Board (EAB). On May 18, 2010, the EAB issued Appeals Board Decision 10-AB-1169, affirming Hearing Decision 10-UIB-09237.

Claimant filed a timely petition for judicial review with the Oregon Court of Appeals (COA). On May 4, 2011, the COA affirmed without opinion Appeals Board Decision 10-AB-1169. *Plotkin v. Employment Department et al.*, 242 Or App 604 (2011). That decision became final without an appeal having been filed.

On May 12, 2014, the Department served notice of an administrative decision (decision # 75818) assessing a \$75 overpayment in Federal Additional Compensation Benefits (FAC) based on the May 4, 2011, decision of the COA. Claimant filed a timely request for hearing. On April 23, 2014, ALJ Vincent conducted a hearing, and on April 30, 2014, issued Hearing Decision 14-UI-16496, affirming the Department's decision. On May 19, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

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-16496 is affirmed.

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

**DATE of Service: May 29, 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.