

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0907

*Affirmed
Overpayments*

PROCEDURAL HISTORY: On January 19, 2010, the Oregon Employment Department (the Department) served an administrative decision concluding the employer (ZIP-O-Log Mills) discharged claimant for misconduct (decision # 100100). Claimant filed a timely request for hearing. A hearing was held and on April 1, 2010, the Office of Administrative Hearings (OAH) issued Hearing Decision 10-UIB-007248, affirming decision # 100100. On April 21, 2010, Hearing Decision 10-UIB-007248 became final without an application for review having been filed.

On January 23, 2014, the Oregon Employment Department (the Department) served two notices of two administrative decisions; one assessing a \$475 overpayment in Federal Additional Compensation Benefits (FAC) based on Hearing Decision 10-UIB-07248 (decision # 74437), and one assessing a \$7,334 overpayment based on Hearing Decision 10-UIB-07248 (decision # 74236). Claimant filed a timely telephone request for hearing. On March 5, 2014, OAH issued two notices of a consolidated hearing scheduled for March 20, 2014, to begin between 8:00 a.m. and 10:00 p.m. On March 21, 2014, ALJ Kirkwood issued Hearing Decisions 14-UI-13220 and 14-UI-13183, dismissing claimant's request for hearing for failure to appear.

On March 26, 2014, claimant filed a timely request to reopen. On April 29, 2014, OAH issued two notices of a consolidated hearing scheduled for May 13, 2014 at 10:45 a.m. On May 13, 2014, ALJ R. Davis conducted a consolidated hearing at which claimant appeared and testified, and on May 21, 2014, issued Hearing Decisions 14-UI-18090 and 14-UI-18093, allowing claimant's request to reopen and affirming decisions # 74434 and # 74236. On May 23, 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-18090 and 14-UI-18093. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-0906 and 2014-EAB-0907).

EAB considered claimant's written argument to the extent it was relevant and 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**.

DECISION: Hearing Decisions 14-UI-18090 and 14-UI-18093 are affirmed.

Susan Rossiter and Tony Corcoran;
J. S. Cromwell, not participating.

DATE of Service: June 10, 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 Rec