
EO: 200
BYE: 201214

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

061
MC 010.05
AAA 005.00

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1045

*Affirmed
Ineligible
Overpayment and Penalties*

PROCEDURAL HISTORY: On March 28, 2014, the Oregon Employment Department (the Department) served two notices of two administrative decisions concluding claimant was not available for work from July 21, 2013 to August 3, 2014 (decision # 91342) and that she was not available for work from August 11, 2014 to November 2, 2014 (decision # 92926). On April 1, 2014, the Department served notice of an administrative decision assessing a \$1,630 overpayment, \$326 in monetary penalties, and 14 penalty weeks based on administrative decisions # 91342 and # 92926 (decision # 202824). Claimant filed a request for hearing on each decision. On May 19, 2014, ALJ Holmes-Swanson conducted a consolidated hearing, and on May 27, 2014, issued Hearing Decision 14-UI-18421 modifying decision # 91342 to find that claimant was not available for work from July 28, 2014 to August 3, 2014. On May 27, 2014, ALJ Holmes-Swanson also issued Hearing Decision 14-UI-18422 affirming the Department's decision # 92926, and Hearing Decision 14-UI-18409 modifying the Department's decision # 202824 and assessing a \$1,630 overpayment, four penalty weeks and no monetary penalties. On June 16, 2014, claimant filed three 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-18421, 14-UI-18422 and 14-UI-14-UI-18409. For case-tracking purposes, this decision is being issued in triplicate (EAB Decisions 2014-EAB-1044, 2014-EAB-1045 and 2014-EAB-1156).

EAB reviewed the entire hearing records. On *de novo* review and pursuant to ORS 657.275(2), the hearing decisions under review are **adopted**.

DECISION: Hearing Decisions 14-UI-18421, 14-UI-18422 and 14-UI-18409 are affirmed.

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

DATE of Service: July 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 court.oregon.gov. Once on the website, click on the blue tab for “Materials and Resources.” On the next screen, click on the tab that reads “Appellate Case Info.” On the next screen, select “Appellate Court Forms” from the left panel. On the next page, select the forms and instructions for the type of Petition for Judicial Review that you want to file.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.