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

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VQ 005.00
MC 010.05

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1068

Affirmed
No Disqualification
No Overpayment

PROCEDURAL HISTORY: On April 17, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 121816). On April 18, 2014, the Department served notice of an administrative decision (decision # 194757) assessing a \$1,923 overpayment, \$576.90 in monetary penalties, and 19 penalty weeks based on decision # 121816. Claimant filed a timely request for hearing. On May 9, 2014, the Office of Administrative Hearings (OAH) issued two notices of two hearings scheduled for May 23, 2014; one at 8:15 a.m. and one at 9:30 a.m. On May 23, 2014, ALJ Triana conducted a hearing, and on May 30, 2014, issued Hearing Decision 14-UI-18744, concluding the employer discharged claimant but not for misconduct. On June 3, 2014, ALJ Triana issued Hearing Decision 14-UI-18837, concluding the Department did not overpay claimant unemployment insurance benefits and claimant is not liable for any penalties. On June 19, 2014, the employer 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-18744 and 14-UI-18837. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-1068 and 2014-EAB-1069).

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-18744 and 14-UI-18837 are affirmed.

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

DATE of Service: July 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 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.

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