

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1383

Affirmed
Overpayment, No Penalties

PROCEDURAL HISTORY: On June 24, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision (decision #142454) concluding claimant was not able to work from January 19, 2014 to March 8, 2014 (weeks 4-14 through 10-14). On July 14, 2014, decision # 142454 became final without a request for hearing having been filed. On June 25, 2014, the Department served notice of an administrative decision (decision # 195120) assessing a \$3,766 overpayment, a \$1,129.80 in monetary penalties, and 28 penalty weeks based on decision # 142454. Claimant filed a timely request for hearing. On August 1, 2014, ALJ Lohr conducted a hearing and issued Hearing Decision 14-UI-22695, modifying the Department's decision and assessing a \$3,766 overpayment with no monetary penalties or penalty weeks. On August 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-22695 is affirmed.

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

DATE of Service: August 25, 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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