

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1384

Affirmed
Overpayment
Afirmado
Pago en exceso

PROCEDURAL HISTORY: On May 21, 2014, the Oregon Employment Department (the Department) served two notices of two administrative decisions; one concluding claimant was not available for work from May 4, 2014 to May 20, 2014 (weeks 19-14 to 21-14) (decision # 74531), and one concluding claimant failed to accept an offer of suitable work without good cause (decision # 81315). Claimant filed a timely request for hearing. On May 27, 2014, the Office of Administrative Hearings (OAH) issued two notices of two interpreted hearings scheduled for June 10, 2014, one at 1:30 p.m. and one at 2:30 p.m. On June 11, 2014, ALJ Murdock issued Hearing Decisions 14-UI-19352 and 14-UI-19368, dismissing claimant's request for hearing for failure to appear. On July 1, 2014, Hearing Decisions 14-UI-19352 and 14-UI-19368 became final without applications for review or requests to reopen having been filed.

On July 8, 2014, the Department served notice of an administrative decision (decision # 112521) assessing a \$1,076 overpayment based on Hearing Decision 14-UI-19368. Claimant filed a timely request for hearing. On August 6, 2014, ALJ Vincent conducted an interpreted hearing, at which claimant appeared and testified but the employer did not appear, and on August 8, 2014, issued Hearing Decision 14-UI-23098, affirming decision # 112521. On August 19, 2014, claimant filed a request to reopen Hearing Decisions 14-UI-19352 and 14-UI-19368 with OAH, and an application for review of Hearing Decision 14-UI-23098 with the Employment Appeals Board (EAB).

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 decision under review is **adopted**.

DECISION: Hearing Decision 14-UI-23098 is affirmed.
Decisión de la Audiencia 14-UI-23098 queda confirmada.

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

DATE of Service: August 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.

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.

NOTA: Usted puede apelar esta decisión presentando una solicitud de revisión judicial ante la Corte de Apelaciones de Oregon (Oregon Court of Appeals) dentro de los 30 días siguientes a la fecha de notificación indicada arriba. Ver ORS 657.282. Para obtener formularios e información, puede escribir a la Corte de Apelaciones de Oregon, Sección de Registros, (Oregon Court of Appeals/Records Section), 1163 State Street, Salem, Oregon 97310 o visite el sitio web en court.oregon.gov. En este sitio web, haga clic en “Help” para acceso a información en español.

Por favor, ayúdenos mejorar nuestros servicios por llenar el formulario de encuesta sobre nuestro servicio de atención al cliente. Para llenar este formulario, puede visitar <https://www.surveymonkey.com/s/5WQXNJH>. Si no puede llenar el formulario sobre el internet, puede comunicarse con nuestra oficina para una copia impresa de la encuesta.