

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1904

Affirmed
Disqualification
Overpayment, No Penalties

PROCEDURAL HISTORY: On October 24, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 93553). On October 27, 2014, the Department served notice of an administrative decision (decision # 195371) assessing a \$13,338 overpayment, \$2,000.70 in monetary penalties, and 52 penalty weeks based on decision # 93553. Claimant filed timely requests for hearings on both decisions. On November 25, 2014, ALJ M. Davis conducted two hearings, and on November 26, 2014, issued two Hearing Decisions. Hearing Decision 14-UI-29444 affirmed the Department's decision that concluded claimant voluntarily left work without good cause. Hearing Decision 14-UI-29448 modified the Department's overpayment decision, assessing a \$13,338 overpayment, and concluding claimant did not willfully make a misrepresentation to obtain benefits and is not liable for monetary penalties or penalty weeks. On December 15, 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-29444 and 14-UI-29448. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2014-EAB-1903 and 2014-EAB-1904).

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-29444 and 14-UI-29448 are affirmed.

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

DATE of Service: December 22, 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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