

EMPLOYMENT APPEALS BOARD DECISION

2015-EAB-0120

Affirmed
Overpayment Assessed

PROCEDURAL HISTORY: On July 22, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not available for work during the weeks July 7, 2013 through February 8, 2014 (decision # 155928). Claimant filed a timely request for hearing. On August 27, 2014, ALJ S. Lee conducted a hearing, and on September 4, 2014, issued Hearing Decision 14-UI-24548, affirming the Department's decision. On September 16, 2014, claimant filed an application for review with the Employment Appeals Board (EAB). On November 5, 2014, the EAB issued 2014-EAB-1497, affirming Hearing Decision 14-UI-24548. On December 5, 2014, EAB Decision 2014-EAB-1497 became final without further appeal.¹

On December 11, 2014, the Department served notice of an administrative decision (decision # 134616) assessing a \$4,814 overpayment based on decision # 155928. Claimant filed a timely request for hearing. On January 23, 2015, ALJ Shoemake conducted a hearing, and on January 30, 2015 issued Hearing Decision 15-UI-32643, affirming the Department's decision. On February 10, 2015, 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 15-UI-32643 is affirmed.

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

DATE of Service: February 13, 2015

¹ On January 20, 2015, claimant requested OAH and the Department reconsider administrative decision # 134616 and take "continuous jurisdiction" over EAB Decision 2014-EAB-1497. Hearing Decision 15-UI-32643, Exhibit 2. EAB Decision 2014-EAB-1497 remains undisturbed at this time.

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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