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BYE: 201534

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

334
DS 005.00
MC 010.05

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0310

Affirmed
Overpayment Not Assessed
Penalty Weeks Imposed

PROCEDURAL HISTORY: On December 31, 2014, the Oregon Employment Department (the Department) served notice of two administrative decisions. Decision # 162741 concluded claimant voluntarily left work without good cause. Decision # 195408 concluded claimant willfully made a false statement to the Department in order to obtain benefits based on Decision # 162741, and assessed a \$7,425 overpayment, \$1,113.75 in monetary penalties, and 52 penalty weeks. Claimant filed a timely request for hearing. On February 26, 2015, ALJ R. Davis conducted two hearings and on March 5, 2015 issued two Hearing Decisions. Hearing Decision 15-UI-34649 concluded the employer discharged claimant, but not for misconduct. Hearing Decision 15-UI-34650 modified the Department's decision # 195408, concluding claimant willfully made a false statement to the Department in order to obtain benefits, and imposed four penalty weeks. On March 17, 2015, claimant filed an application for review of Decision 15-UI-34650 with the Employment Appeals Board (EAB). On March 25, 2015, Hearing Decision 15-UI-34649 became final without an application for review having been filed.

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-34650 is affirmed.

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

DATE of Service: March 30, 2015

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 Court of Appeals website at courts.oregon.gov. Once on the website, use the

'search' function to search for 'petition for judicial review employment appeals board'. A link to the forms and information will be among the search results.

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