

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0456**

*Affirmed*  
*Overpayment and Penalties*

**PROCEDURAL HISTORY:**

On February 23, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant willfully made a misrepresentation to obtain benefits, and assessing a \$6,188 overpayment, \$1,856.40 in monetary penalties and 46 penalty weeks based on under-reported income. Claimant filed a timely request for hearing. On March 25, 2015, ALJ Wyatt conducted a hearing, and on April 2, 2015 issued Hearing Decision 15-UI-36197, affirming the Department's decision. On April 21, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that she provided a copy of her written argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Therefore, we did not consider the argument when reaching this decision.

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-36197 is affirmed.

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

**DATE of Service:** May 4, 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](http://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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