

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0494

Affirmed
Disqualification
Overpayment and Penalties

PROCEDURAL HISTORY: On March 3, 2015, the Oregon Employment Department (the Department) served notice of two administrative decisions; decision # 140115 concluding claimant did not actively seek work for the period of October 19, 2014 through November 15, 2014 (weeks 43-14 through 46-14), and decision # 91924 concluding claimant did not actively seek work for the period of November 23, 2014 through February 28, 2015 (weeks 48-14 through 8-15). On March 9, 2015, the Department served notice of an administrative decision (decision # 200765) assessing a \$4,785 overpayment, \$1,435.50 in monetary penalties, and 36 penalty weeks based on decisions # 140115 and # 91924. Claimant filed a timely request for hearing on all three decisions. On April 20, 2015, ALJ S. Lee conducted a consolidated hearing, and on April 21, 2015 issued Hearing Decisions 15-UI-337245 and 15-UI-337246, affirming the Department's decisions # 140115 and # 91924. On April 22, 2015, ALJ S. Lee issued Hearing Decision 15-UI-37275, affirming the Department's overpayment decision # 200765. On April 27, 2015, claimant filed an application for review of all three decisions with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 15-UI-337245, 15-UI-337246 and 15-UI-37275. For case-tracking purposes, this decision is being issued in triplicate (EAB Decisions 2015-EAB-0494, 2015-EAB-0495, and 2015-EAB-0496).

Claimant failed to certify that he provided a copy of his argument to the other parties as required by OAR 471-041-0090(2)(a) (October 29, 2006). The argument also contained information that was not part of the hearing record, and failed to show that circumstances beyond claimant's reasonable control prevented claimant from offering the information during the hearing as required by OAR 471-041-0090 (October 29, 2006). We considered only information received into evidence at the hearing when reaching this decision. *See* ORS 657.375(2).

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 15-UI-337245, 15-UI-337246 and 15-UI-37275 are affirmed.

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

DATE of Service: May 22, 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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