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BYE: 201541

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

414  
AAA 005.00  
MC 010.05

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0586**

*Affirmed*  
*Disqualification*  
*Overpayment and Penalties*

**PROCEDURAL HISTORY:** On March 27, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not available for all suitable work from January 4 through March 14, 2015 (weeks 1-15 through 10-15) (decision # 73949). On March 30, 2014, the Department served notice of an administrative decision concluding that claimant willfully made a false representation to obtain benefits, and assessing a \$1,680 overpayment, \$504 in monetary penalties, and 23 penalty weeks based on decision # 73949 (decision # 213265). On April 1 and April 10, 2015, claimant filed timely requests for hearing.

On April 28, 2015, ALJ R. Davis conducted two hearings. On May 1, 2015 ALJ Davis issued Hearing Decision 15-UI-37861, affirming the Department's decision # 73949. On May 6, 2015 ALJ Davis issued Hearing Decision 15-UI-38036, affirming the Department's decision # 213265. On May 20, 2015, 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 15-UI-37861 and 15-UI-38036. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2015-EAB-0585 and 2015-EAB-0586).

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-37861 and 15-UI-38036 are affirmed.

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

**DATE of Service:** May 29, 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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