

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0697**

*Affirmed*  
*Overpayment Assessed*

**PROCEDURAL HISTORY:** On December 22, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 104315) concluding that claimant was not available to work from April 6 through July 19, 2014 (weeks 15-14 through 29-14) and November 16 through December 13, 2014 (weeks 47-14 through 50-14). Claimant filed a timely request for hearing. On January 23, 2015, ALJ Vincent issued Hearing Decision 15-UI-32245, dismissing claimant's request for hearing because she had withdrawn it. On February 12, 2015, Hearing Decision 15-UI-32245 became final without an application for review having been filed.

On February 24, 2015, the Department served notice of an administrative decision (decision # 144735) assessing a \$2,916 overpayment based on decision # 104315. Claimant filed a timely request for a hearing. On March 17, 2015, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for March 31, 2015. On March 31, 2015, ALJ Shoemake issued Hearing Decision 15-UI-36064, dismissing claimant's request for hearing for failure to appear. Claimant filed a timely request for reopening. On May 12, 2015, ALJ Clink conducted a hearing, and on May 22, 2015, issued Hearing Decision 15-UI-38931, allowing claimant request to reopen and affirming decision #144735.

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-38931 is affirmed.

Susan Rossiter and J. S. Cromwell;  
D. P. Hettle, *pro tempore*, not participating.

**DATE of Service:** June 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](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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