

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1263

Affirmed
Overpayment Assessed

PROCEDURAL HISTORY: On June 12, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 111128) concluding that claimant was not available for work from March 29 through June 6, 2015 (weeks 13-15 through 22-15). Claimant filed a timely request for hearing. On July 15, 2015, ALJ Triana conducted a hearing, and on July 22, 2015, issued Hearing Decision 15-UI-41873, affirming the administrative decision. Claimant filed a timely application for review with the Employment Appeals Board (EAB). On August 7, 2015, EAB issued Appeals Board Decision 2015-EAB-0916, affirming Hearing Decision 15-UI-41873. On September 6, 2015, Appeals Board Decision 2015-EAB-0916 became final, without a petition for judicial review having been filed.

On September 10, 2015, the Department served notice of an administrative decision (decision # 131535 assessing a \$3,520 overpayment based on Appeals Board Decision 2015-EAB-0916. Claimant filed a timely request for hearing. On October 12, 2015, ALJ Shoemake conducted a hearing, and on October 16, 2015, issued Hearing Decision 15-UI-46009, affirming the administrative decision (decision # 131535). On October 22, 2015, claimant filed an application for review with EAB.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), Hearing Decision 15-UI-46009 is **adopted**.

DECISION: Hearing Decision 15-UI-46009 is affirmed.

Susan Rossiter and J. S. Cromwell.

DATE of Service: October 27, 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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