

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1299

Affirmed
Overpayment Assessed

PROCEDURAL HISTORY: On March 31, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (decision #100427) concluding claimant failed to actively seek work from February 15 through March 21, 2015 (weeks 7-15 through 11-15). Claimant filed a timely request for hearing. On May 4, 2015, ALJ Dorr conducted a hearing, and on May 5, 2015 issued Hearing Decision 15-UI-37935, affirming the Department's decision. On May 9, 2015, claimant filed an application for review with the Employment Appeals Board (EAB). On May 29, 2015, EAB issued Appeals Board Decision 2015-EAB-0550, affirming Hearing Decision 15-UI-37935. On June 27, 2015, Appeals Board Decision 2015-EAB-0550 became final, without a petition for judicial review having been filed.

On July 16, 2015, the Department served notice of an administrative decision (# 134722) assessing a \$542 overpayment based on Appeals Board Decision 2015-EAB-0550. Claimant filed a timely request for hearing. On August 3, 2015, the Office of Administrative Hearings served notice of a hearing scheduled for August 18, 2015. On August 19, 2015, ALJ Wyatt issued Hearing Decision 15-UI-43163, dismissing claimant's hearing request for failure to appear at the August 18 hearing. Claimant filed a timely request to reopen. On October 2, 2015, ALJ Shoemake conducted a hearing, and on October 8, 2015, issued Hearing Decision 15-UI-45609, granting claimant's request to reopen and affirming administrative decision # 134722. On October 27, 2015, claimant filed an application for review with the EAB.

EAB considered claimant's written argument when reaching this decision the extent it was relevant and based on the hearing record.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), Hearing Decision 15-UI-45609 is **adopted**.

DECISION: Hearing Decision 15-UI-45609 is affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: November 16, 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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