

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1640

Dismissed
Application for Review Withdrawn

PROCEDURAL HISTORY: On October 22, 2014, the Oregon Employment Department (the Department) served notice of an amended administrative decision concluding claimant voluntarily left work without good cause (decision # 100436). On November 7, 2014, the Department served notice of an amended administrative decision concluding claimant willfully made a misrepresentation and failed to report a material fact to obtain benefits, and assessing a \$4,515 overpayment, \$677.25 in monetary penalties and 36 penalty weeks based on decision # 100436 (decision # 194128). Claimant filed a timely request for hearing. On November 12, 2014, administrative decision # 100436 became final without a request for hearing having been filed. On December 22, 2014, ALJ S. Lee conducted a hearing, and on December 24, 2014 issued Hearing Decision 14-UI-30965, modifying the Department's decision, concluding claimant did not willfully make a misrepresentation to obtain benefits, and assessing a \$4,515 overpayment without monetary penalties or penalty weeks. On January 6, 2015, claimant filed an application for review with the Employment Appeals Board (EAB). On January 15, 2015, claimant submitted a written request to EAB to withdraw his application for review on Hearing Decision 14-UI-30965.

DECISION: The application for review filed January 6, 2015 is dismissed. Hearing Decision 14-UI-30965 remains undisturbed.

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

DATE of Service: January 21, 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 website at court.oregon.gov. Once on the website, click on the blue tab for “Materials and Resources.” On the next screen, click on the tab that reads “Appellate Case Info.” On the next screen, select “Appellate Court Forms” from the left panel. On the next page, select the forms and instructions for the type of Petition for Judicial Review that you want to file.

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