

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0116**

*Affirmed*  
*Ineligible*  
*Overpayment and Penalties*

**PROCEDURAL HISTORY:** On December 7, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not eligible for benefits from August 23 through November 28, 2015 (decision # 91409). On December 8, 2015, the Department served notice of an administrative decision concluding that claimant willfully made a misrepresentation and failed to report a material fact to obtain benefits, and received \$5,320 in benefits to which he was not entitled and must repay, is disqualified from 38 weeks of future benefits, and must pay a \$1,596 monetary penalty (decision # 195834). Claimant filed timely requests for hearing on both decisions. On January 14, 2016, ALJ S. Lee conducted a hearing, and on January 22, 2016 issued Hearing Decisions 16-UI-51570 and 16-UI-51572, affirming the Department's decisions. On February 1, 2016, 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 16-UI-51570 and 16-UI-51572. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2016-EAB-0116 and 2016-EAB-0117).

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 16-UI-51570 and 16-UI-51572 are affirmed.

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

**DATE of Service:** February 24, 2016

**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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