

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0320

Affirmed
Overpayment Assessed

PROCEDURAL HISTORY: On September 14, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (decision #92245) concluding that claimant did not actively search for work from August 2 through 29, 2015(weeks 31-15 through 34-15). Claimant filed a timely request for hearing. On November 3, 2015, ALJ Frank conducted a hearing, and on November 6, 2015, issued Hearing Decision 15-UI-47342, affirming the administrative decision. On November 30, 2015, Hearing Decision 15-UI-47342 became final, without an application for review with the Employment Appeals Board (EAB) having been filed.

On December 14, 2015, the Department issued decision # 153519, assessing a \$2,196 overpayment based on decision # 92245. Claimant filed a timely request for hearing. On March 7, 2016, ALJ Shoemake conducted a hearing, and on March 10, 2016, issued Hearing Decision 16-UI-54794, affirming the administrative decision.

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 16-UI-54794 is affirmed.

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

DATE of Service: March 31, 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. 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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