

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0397**

*Affirmed*  
*Overpayment Assessed*

**PROCEDURAL HISTORY:** On October 22, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 95147) concluding claimant did not actively seek work during weeks 37-15 through 40-15. Claimant filed a timely request for hearing. On December 22, 2015, ALJ Frank conducted a hearing, and on December 30, 2015, issued Hearing Decision 15-UI-50251, affirming the administrative decision. On January 11, 2016, claimant filed an application for review with the Employment Appeals Board (EAB). On January 15, 2016, EAB issued Employment Appeals Board Decision 2016-EAB-0052, adopting Hearing Decision 15-UI-50251. On February 15, 2016, Employment Appeals Board Decision 2016-EAB-0052 became final.

On February 18, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision based on decision # 95147 assessing a \$960 overpayment (decision # 132527). Claimant filed a timely request for hearing. On March 28, 2016, ALJ S. Lee conducted a hearing, and on March 31, 2016 issued Hearing Decision 16-UI-56269, affirming the Department's overpayment decision. On April 5, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

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-56269 is affirmed.

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

**DATE of Service:** April 12, 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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