

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0286

Affirmed
Ineligible Weeks 9-16 through 39-16
Overpayment and Penalties

PROCEDURAL HISTORY: On November 9, 2016, the Oregon Employment Department (the Department) served notice of four administrative decisions concluding that claimant voluntarily left work with Lawrence Service Company on March 7, 2016 without good cause (decision # 92223), was not available for work from February 28 through October 1, 2016 (decision # 104113), was not available for work from August 21 through September 3, 2016 (decision # 112044), and was not available for work from September 11 through 17, 2016 (decision # 112546). On November 10, 2016, the Department served notice of an administrative decision (decision # 193562) concluding that claimant willfully made misrepresentations and failed to report material facts to obtain benefits, was overpaid \$6,623 in benefits she must repay, is disqualified for 47 weeks of future benefits, and must pay a \$1,986.90 monetary penalty. Claimant filed timely requests for hearing on all five decisions. On February 23, 2017, ALJ Murdock conducted hearings, and on March 2, 2017 issued Hearing Decision 17-UI-78024 reversing decision # 92223, and Hearing Decisions 17-UI-78022, 17-UI-78020, 17-UI-78021 and 17-UI-78165 affirming decisions # 104113, 112044, 112546 and 193562. On March 7, 2017, claimant filed timely applications for review of Hearing Decisions 17-UI-78022, 17-UI-78020, 17-UI-78021 and 17-UI-78165 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 17-UI-78022, 17-UI-78020, 17-UI-78021 and 17-UI-78165. For case-tracking purposes, this decision is being issued in quadruplicate (EAB Decisions 2017-EAB-0286, 2017-EAB-0287, 2017-EAB-0285 and 2017-EAB-0288).

EAB reviewed the hearing records. On *de novo* review and pursuant to ORS 657.275(2), the hearing decisions under review are **adopted**.

DECISION: Hearing Decisions 17-UI-78022, 17-UI-78020, 17-UI-78021 and 17-UI-78165 are affirmed.

J. S. Cromwell and D. P. Hettle;

Susan Rossiter, not participating.

DATE of Service: March 8, 2017

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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