

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-1277

Affirmed
Overpayment Assessed

PROCEDURAL HISTORY: On September 27, 2017, the Oregon Employment Department (the Department) served notice of administrative decision # 112827 concluding that claimant quit working for Bandon Mercantile without good cause, and administrative decision # 114800 concluding that claimant was not able to work from August 20 through September 23, 2017. On September 28, 2017, the Department served notice of administrative decision # 193628, based on decisions # 112827 and # 114800, assessing a \$1,765 overpayment, penalty weeks and a monetary penalty. On October 2, 2017, claimant filed timely requests for hearing on decisions # 112827 and # 193628. On October 17, 2017, decision # 114800 became final without claimant having filed a request for hearing on that decision. On October 25, 2017, ALJ Meerdink conducted hearings on decisions # 112827 and # 193628, and on October 26, 2017 issued Hearing Decision 17-UI-95437 concluding that Bandon Mercantile discharged claimant not for misconduct, and Hearing Decision 17-UI-95464 assessing a \$1,765 overpayment but no penalty weeks or monetary penalty. On November 3, 2017, claimant filed a timely application for review of Hearing Decision 17-UI-95464 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 17-UI-95464 is affirmed.

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

DATE of Service: November 22, 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.