

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-1303

Affirmed
Overpayment Assessed

PROCEDURAL HISTORY: On March 29, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision (decision #141716) concluding that claimant failed to actively search for work from January 22 through February 18, 2017 (weeks 4-17 through 7-17). Claimant filed a timely request for hearing. On July 11, 2017, ALJ Shoemake conducted a hearing, and on July 13, 2017, issued Hearing Decision 17-UI-87915, affirming the administrative decision. On July 21, 2017, claimant filed an application for review with the Employment Appeals Board (EAB). On August 14, 2017, EAB issued EAB Decision 2017-EAB-0866, concluding that claimant actively sought work during the week of January 22 through 28, 2017, but did not actively seek work during the weeks from January 29 through February 18, 2017. On September 13, 2017, EAB Decision 2017-EAB-0866 became final without claimant having filed a petition for judicial review with the Oregon Court of Appeals.

On September 15, 2017, the Department served notice of an administrative decision, based on EAB Decision 2017-EAB-0866, concluding that claimant was over paid \$1,511 in benefits for the weeks from January 29 through February 18, 2017 that he must repay the Department (decision # 73022). Claimant filed a timely request for hearing. On October 26, 2017, ALJ Murdock conducted a hearing, and on November 2, 2017 issued Hearing Decision 17-UI-96032, affirming the Department's decision. On November 13, 2017, claimant filed an application for review of Hearing Decision 17-UI-96032 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-96032 is affirmed.

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

DATE of Service: December 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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