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State of Oregon  
**Employment Appeals Board**  
875 Union St. N.E.  
Salem, OR 97311

717  
AAA 005.00  
MC 010.05

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-1324**

*Affirmed*  
*Ineligible Week 35-17*  
*Overpayment Assessed*

**PROCEDURAL HISTORY:** On September 25, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work during the weeks from August 27 through September 16, 2017 (weeks 35-17 through 37-17), and therefore is not eligible for, and must repay, the \$1208 in benefits he received for weeks 36-17 and 37-17 (decision # 110026). Claimant filed a timely request for hearing. On October 30, 2017, ALJ Murdock conducted a hearing, and on November 1, 2017 issued Hearing Decision 17-UI-95907, concluding that claimant did not actively seek work during week 35-17 but actively sought work during weeks 36-17 and 37-17, and therefore is not eligible for, and must repay, only the \$604 in benefits he received for week 36-17. On November 14, 2017, claimant filed an application for review of Hearing Decision 17-UI-95907 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-95907 is affirmed.

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

**DATE of Service:** November 20, 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](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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