

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-1389**

*Affirmed*  
*Overpayment and Penalties*

**PROCEDURAL HISTORY:** On July 21, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$332 overpayment, \$49.50 monetary penalty and 52 penalty weeks (decision # 195257). Claimant filed a timely request for hearing. On November 9, 2017, ALJ Amesbury conducted a hearing, and on November 17, 2017 issued Hearing Decision 17-UI-97122, affirming the \$332 overpayment and 52 penalty weeks but concluding that claimant's monetary penalty should be increased to \$66.40. On December 2, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that he provided a copy of his argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Therefore, we did not consider the argument when reaching this decision. Even if we had, the outcome of this decision would remain the same for the reasons explained in Hearing Decision 17-UI-97122. Although claimant disliked the assessment of a 52 week penalty disqualification period and felt he "cannot accept the reduction of my benefits," claimant's benefit amount and the assessment of penalty weeks, on this record, were proper under Oregon law.

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-97122 is affirmed.

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

**DATE of Service:** January 4, 2018

**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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