

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-1419**

*Affirmed*  
*Ineligible*  
*Overpayment, No Penalties*

**PROCEDURAL HISTORY:** On August 9, 2017, the Oregon Employment Department (the Department) served notice of administrative decision # 141812 concluding that claimant did not actively seek work from November 15 through December 26, 2017; and administrative decision # 193621 concluding that claimant willfully failed to report that he did not actively seek work to obtain benefits, was overpaid \$3114 in benefits, is disqualified for future benefits, and assessed a monetary penalty. Claimant filed timely requests for hearing on both decisions. On November 20, 2017, ALJ Shoemake conducted hearings, and on November 21, 2017 issued Hearing Decision 17-UI-97391 affirming decision # 141812, and Hearing Decision 17-UI-97414 modifying decision # 193621 by concluding that claimant was overpaid \$3114 in benefits, but is not disqualified for future benefits or assessed a monetary penalty. On December 11, 2017, claimant filed applications for review of Hearing Decisions 17-UI-97391 and 17-UI-97414 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Hearing Decisions 17-UI-97391 and 17-UI-97414. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2017-EAB-1417 and 2017-EAB-1419).

EAB reviewed both 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-97391 and 17-UI-97414 are affirmed.

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

**DATE of Service:** December 21, 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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