

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0753

Affirmed
Overpayment and Penalties

PROCEDURAL HISTORY: On June 5, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was overpaid and must repay \$6,923, is assessed a monetary penalty of \$1,730.75, and is disqualified for 50 weeks of future benefits (decision # 201450). Claimant filed a timely request for hearing. On July 12, 2018, ALJ Seideman conducted a hearing, and on July 17, 2018 issued Order No. 18-UI-113274, affirming decision # 201450. On July 31, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

EVIDENTIARY MATTER: At hearing, the ALJ identified and admitted Exhibits 1 through 6 without objection, but failed to mark the exhibits. As a clerical matter, EAB has identified the exhibits based on the ALJ's description of them, marked the documents as Exhibits 1 through 6, and, for informational purposes, attached copies of the exhibits to the decision mailed to the parties. Audio Record at 8:28 to 10:12, 27:56 to 29:19.

On *de novo* review and pursuant to ORS 657.275(2), the Order under review is **adopted**.

DECISION: Order No. 18-UI-113274 is affirmed.

J. S. Cromwell and S. Alba;
D. P. Hettle, not participating.

DATE of Service: August 28, 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. 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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