

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0800

Affirmed
Overpayment and Penalties

PROCEDURAL HISTORY: On May 31, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$2,870 overpayment, \$861 monetary penalty, and 20 penalty weeks (decision # 195907). Claimant filed a request for hearing. On June 26, 2018, ALJ Kangas issued Order No. 18-UI-112078, dismissing claimant's request for hearing as untimely subject to his right to renew the request by responding to an appellant questionnaire by July 10, 2018. On June 29, 2018, claimant responded to the appellant questionnaire. On July 3, 2018, the Office of Administrative Hearings (OAH) cancelled Order No. 18-UI-112078. On July 25, 2018, ALJ Frank conducted a hearing, and on July 27, 2018 issued Order No. 18-UI-113969, allowing claimant's request for hearing as timely and modifying decision # 195907 by assessing a \$2,460 overpayment, \$615 monetary penalty, and 17 penalty weeks. On August 15, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

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

DECISION: Order No. 18-UI-113969 is affirmed.

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

DATE of Service: September 6, 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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