

EO: 700
BYE: 201919

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

845
VQ 005.00
MC 010.05

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0933

Affirmed
Disqualification
Overpayment, No Penalties

PROCEDURAL HISTORY: On July 23, 2018, the Oregon Employment Department (the Department) served two notices of two administrative decisions, one concluding that claimant voluntarily left work without good cause (decision # 152815), and the other assessing a \$3,020 overpayment, \$453 monetary penalty, and 20 penalty weeks (decision # 194845). Claimant filed a timely request for hearing on both decisions. On August 27, 2018, ALJ S. Lee conducted two hearings. On September 4, 2018, the ALJ issued Order No. 18-UI-115985, affirming decision # 152815, and Order No. 18-UI-116009, affirming the Department's assessment of a \$3,020 overpayment in decision # 194845, but concluding that claimant was not subject to a monetary penalty or penalty weeks. On September 24, 2018, claimant filed an application for review of both Orders with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Order Nos. 18-UI-115985 and 18-UI-116009. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2018-EAB-0933 and 2018-EAB-0934).

EAB reviewed both hearing records and claimant's written argument. On *de novo* review and pursuant to ORS 657.275(2), the Orders under review are **adopted**.

DECISION: Order Nos. 18-UI-115985 and 18-UI-116009 are affirmed.

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

DATE of Service: October 25, 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.