

**ALEXANDER I MEDEIROS**  
**1443 GLEASON AVE**  
**SUTHERLIN, OR 97479**

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0727-R**

*Request for Reconsideration Dismissed*

**PROCEDURAL HISTORY:** On May 9, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant did not file a claim in accordance with the Department's regulations and therefore was not eligible to receive benefits from April 29, 2018 through May 5, 2018 and until he provided certain requested information. Claimant filed a timely request for hearing. On June 25, 2018, ALJ Snyder conducted a hearing, and on July 3, 2018 issued Order No. 18-UI-112518, reversing the Department's decision. On July 20, 2018, the Department filed an application for review with the Employment Appeals Board (EAB). On August 22, 2018, EAB issued EAB Decision 2018-EAB-0727, reversing Order No. 18-UI-112518. On October 15, 2018, claimant filed a request for reconsideration of EAB Decision 2018-EAB-0727.

**CONCLUSIONS AND REASONS:** Claimant's request for reconsideration of EAB Decision 2018-EAB-0727 is dismissed.

ORS 657.290(3) provides that EAB, upon application of any party in interest, may reconsider any previous EAB Decision for the correction of previous error of fact or law. Thus, any party may request reconsideration to correct an error of material fact or law, or to explain any unexplained inconsistency with Department rule, or officially stated Department position, or prior Department practice. OAR 471-041-0145(1) (October 29, 2006). However, a request for reconsideration is subject to dismissal if filed more than 20 days from the date on which the EAB decision was mailed. OAR 471-041-0145(2)(b). Here, the EAB decision at issue was mailed on August 22, 2018. The appellant's request for reconsideration was filed on October 15, 2018, more than 20 days after EAB Decision 2018-EAB-0727 was mailed. The reconsideration request is, therefore, dismissed as untimely.

**DECISION:** Claimant's request for reconsideration filed on October 22, 2018 is dismissed. EAB Decision 2018-EAB-0727 remains undisturbed.

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

**DATE of Service: October 19, 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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