

**EMPLOYMENT APPEALS BOARD DECISION**  
**2020-EAB-0033-R**

*Request for Reconsideration Dismissed*

**FINDINGS OF FACT AND PROCEDURAL HISTORY:** On October 15, 2019, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 153738). Claimant filed a timely request for hearing. On October 24, 2019, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for November 6, 2019, at which the claimant failed to appear. On November 7, 2019, ALJ S. Roberts issued Order No. 19-UI-139339, dismissing claimant's request for hearing for failure to appear. On November 18, 2019, claimant filed a timely request to reopen the November 6, 2019 hearing. On November 27, 2019, OAH mailed notice of a hearing scheduled for December 13, 2019. On December 13, 2019, ALJ Wyatt conducted a hearing, and on December 18, 2019, issued Order No. 19-UI-141435, allowing claimant's request to reopen, canceling Order No. 19-UI-139339, and affirming the Department's decision that claimant voluntarily left work without good cause. On January 7, 2020, Order No. 19-UI-141435 became final without claimant having filed an application for review with the Employment Appeals Board (EAB). On January 13, 2020, claimant filed a late application for review with EAB. On January 21, 2020, EAB issued EAB Decision 2020-EAB-0033, dismissing claimant's application for review because claimant provided no explanation as to why claimant filed the application after the filing deadline expired, and therefore did not show good cause to extend the filing deadline. On January 28, 2020, claimant filed a request for reconsideration of EAB Decision 2020-EAB-0033 with EAB. This decision is issued pursuant to EAB's authority under ORS 657.290(3).

**CONCLUSIONS AND REASONS:** The request for reconsideration is dismissed.

On January 28, 2020, the appellant filed a request for reconsideration with the Employment Appeals Board. A party may request reconsideration of an EAB decision to correct an error of material fact or law, or to explain any unexplained inconsistency with Employment Department rules, positions or practices. ORS 657.290(3); OAR 471-041-0145(1). A reconsideration request is subject to dismissal unless it includes a statement that a copy was provided to the other parties. The appellant's request for reconsideration included no statement that a copy was provided to the other parties. OAR 471-041-0145(2)(a). The reconsideration request is, therefore, dismissed. Even had claimant provided a copy of their request for reconsideration to the other parties, EAB would have re-dismissed claimant's application for review as late without good cause. Claimant stated in their request for reconsideration

that they did not “know the urgency of the situation” and their mail was delivered to a second party. Because the request does not contain sufficient information about claimant’s mail to show that it was not within claimant’s reasonable control to receive that decision sooner, and because it was within claimant’s reasonable control to read that decision and ensure that they understood the appeal deadline, claimant did not show good cause for the late application for review. EAB Decision 20-EAB-0033 remains undisturbed, and EAB will take no further action with regard to this matter.

**DECISION:** The request for reconsideration filed January 28, 2020 is dismissed. Order No. 19-UI-141435 remains undisturbed.

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

**DATE of Service: February 13, 2020**

**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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# Understanding Your Employment Appeals Board Decision

## English

Attention – This decision affects your unemployment benefits. If you do not understand this decision, contact the Employment Appeals Board immediately. If you do not agree with this decision, you may file a Petition for Judicial Review with the Oregon Court of Appeals following the instructions written at the end of the decision.

## Simplified Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

## Traditional Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

## Tagalog

Paalala – Nakakaapekto ang desisyong ito sa iyong mga benepisyo sa pagkawala ng trabaho. Kung hindi mo naiintindihan ang desisyong ito, makipag-ugnayan kaagad sa Lupon ng mga Apela sa Trabaho (Employment Appeals Board). Kung hindi ka sumasang-ayon sa desisyong ito, maaari kang maghain ng isang Petisyon sa Pagsusuri ng Hukuman (Petition for Judicial Review) sa Hukuman sa Paghahabol (Court of Appeals) ng Oregon na sinusunod ang mga tagubilin na nakasulat sa dulo ng desisyong ito.

## Vietnamese

Chú ý - Quyết định này ảnh hưởng đến trợ cấp thất nghiệp của quý vị. Nếu quý vị không hiểu quyết định này, hãy liên lạc với Ban Kháng Cáo Việc Làm ngay lập tức. Nếu quý vị không đồng ý với quyết định này, quý vị có thể nộp Đơn Xin Tái Xét Tư Pháp với Tòa Kháng Cáo Oregon theo các hướng dẫn được viết ra ở cuối quyết định này.

## Spanish

Atención – Esta decisión afecta sus beneficios de desempleo. Si no entiende esta decisión, comuníquese inmediatamente con la Junta de Apelaciones de Empleo. Si no está de acuerdo con esta decisión, puede presentar una Aplicación de Revisión Judicial ante el Tribunal de Apelaciones de Oregon siguiendo las instrucciones escritas al final de la decisión.

## Russian

Внимание – Данное решение влияет на ваше пособие по безработице. Если решение Вам непонятно – немедленно обратитесь в Апелляционный Комитет по Трудоустройству. Если Вы не согласны с принятым решением, вы можете подать Ходатайство о Пересмотре Судебного Решения в Апелляционный Суд штата Орегон, следуя инструкциям, описанным в конце решения.

**Khmer**

ចំណុចសំខាន់ – សេចក្តីសម្រេចនេះមានផលប៉ះពាល់ដល់អត្ថប្រយោជន៍គ្មានការងារធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រេចនេះ សូមទាក់ទងគណៈកម្មការឧទ្ធរណ៍ការងារភ្លាមៗ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

**Laotian**

ເອົາໃຈໃສ່ – ຄຳຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄຳຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນທັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນຳຄຳຕັດສິນນີ້, ທ່ານສາມາດຍື່ນຄຳຮ້ອງຂໍການທົບທວນຄຳຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ ໂດຍປະຕິບັດຕາມຄຳແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນຫ້າຍຂອງຄຳຕັດສິນນີ້.

**Arabic**

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فوراً، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الاستئناف بأوريغون و ذلك بإتباع الإرشادات المدرجة أسفل القرار.

**Farsi**

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلافاصله با هیأت فرجام خواهی استخدام تماس بگیرید. اگر از این حکم رضایت ندارید، می‌توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**  
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