

EMPLOYMENT APPEALS BOARD DECISION
2020-EAB-0276

Order No. 20-UI-145642 ~ Application for Review Dismissed
Order No. 20-UI-145641 Affirmed ~ Late Request for Hearing Dismissed

PROCEDURAL HISTORY AND FINDINGS OF FACT: On January 14, 2020, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide information requested by the Department and was therefore ineligible to receive unemployment insurance benefits for the week of December 22, 2019 through December 28, 2019, and until claimant provided the information. On January 16, 2020, the Department served notice of another administrative decision, which concluded that claimant failed to provide information requested by the Department and was therefore ineligible to receive unemployment insurance benefits for the week of December 29, 2019 through January 4, 2020 and until claimant provided the information (decision # 125909). On February 3, 2020, the January 14, 2020 decision became final without claimant having filed a request for hearing. On February 5, 2020, decision # 125909 became final without claimant having filed a request for hearing.

On February 29, 2020, claimant filed late requests for hearings on the January 14, 2020 decision and decision # 125909. On March 5, 2020, ALJ Kangas issued Order No. 20-UI-145642, dismissing claimant's late request for hearing on the January 14, 2020 decision subject to claimant's right to renew the request by responding to an appellate questionnaire by March 19, 2020. On March 6, 2020, ALJ Kangas issued Order No. 20-UI-145641, dismissing claimant's late request for hearing on decision # 125909 subject to claimant's right to renew the request by responding to an appellate questionnaire by March 20, 2020. On March 25, 2020, Order No. 20-UI-145642 became final without claimant having filed an application for review with the Employment Appeals Board (EAB).

On March 26, 2020, claimant filed a late response to the appellant questionnaire for both decisions with the Office of Administrative Hearings (OAH), along with a late application for review of Order No. 20-UI-145642 and a timely application for review of Order No. 20-UI-145641 with the Employment Appeals Board (EAB). On March 31, 2020, ALJ Kangas issued letters stating that because claimant's questionnaire response was late, OAH would not consider it, and Orders No. 20-UI-145642 and No. 20-UI-145641 would remain in effect. This matter is before EAB based on claimant's late application for review of Order No. 20-UI-145642 and timely application for review of Order No. 20-UI-145641.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Orders No. 20-UI-145642 and 20-UI-145641. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2020-EAB-0276 and 2020-EAB-0275).

EAB considered the entire hearing record. Based on a *de novo* review and pursuant to ORS 657.275(2), Order No. 20-UI-145641 dismissing claimant's late request for hearing on decision # 125909 is **adopted**.

CONCLUSIONS AND REASONS: Claimant's late application for review of Order No. 20-UI-145642 is dismissed. Order No. 20-UI-145642, dismissing claimant's request for hearing on the January 14, 2020 decision remains undisturbed.

An application for review is timely if it is filed within 20 days of the date that OAH mailed the decision for which review is sought. ORS 657.270(6); OAR 471-041-0070(1) (May 13, 2019). The 20 day filing period may be extended a "reasonable time" upon a showing of "good cause." ORS 657.875; OAR 471-041-0070(2). "Good cause" means that factors or circumstances beyond the applicant's reasonable control prevented timely filing. OAR 471-041-0070(2)(a). A "reasonable time" is seven days after the circumstances that prevented the timely filing ceased to exist. OAR 471-041-0070(2)(b). A late application for review will be dismissed unless it includes a written statement describing the circumstances that prevented a timely filing. OAR 471-041-0070(3).

On March 26, 2020, claimant filed a late application for review of Order No. 20-UI-145642 with the EAB. ORS 657.270(6) required the application for review to be filed no later than March 25, 2020. Although the deadline for filing an application for review may be extended under certain circumstances, to be considered for such an extension, an individual must include "a written statement describing the circumstances that prevented a timely filing." OAR 471-041-0070(3). Claimant included a written statement with his application for review, but the statement did not include any information explaining why claimant waited until March 26, 2020, after the filing deadline expired, to file his application. Because claimant did not file his application for review within the time period allowed, and did not establish that he had good cause to file a late application for review, the application for review must be dismissed.

DECISION: Order No. 20-UI-145641 is affirmed. The late application for review of Order No. 20-UI-145642 filed March 26, 2020 is dismissed. Order No. 20-UI-145642 remains undisturbed.

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

DATE of Service: April 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. 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 desisyon.

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 ໂດຍປະຕິບັດຕາມຄຳແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄຳຕັດສິນນີ້.

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 الإستئناف 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.

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