

EMPLOYMENT APPEALS BOARD DECISION
2020-EAB-0796

Order No. 2020-UI-07147 Affirmed ~ Ineligible Weeks 07-20 through 08-20

Order No. 2020-UI-07148 Affirmed ~ Ineligible Weeks 07-20 through 46-20

PROCEDURAL HISTORY: On March 20, 2020, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not actively seeking work and therefore ineligible to receive unemployment insurance benefits during the weeks including February 9, 2020 through February 22, 2020 (decision # 123634). Also on March 20, 2020, the Department served notice of another administrative decision concluding that claimant was unable to work beginning February 9, 2020 and therefore ineligible for benefits from February 9, 2020 through February 29, 2020 and until the reason for the denial had ended (decision # 124707). Claimant filed timely requests for hearing on both administrative decisions.

On April 3, 2020, the Office of Administrative Hearings served notices of hearings scheduled for April 17, 2020 at 9:30 a.m. and 10:45 a.m. regarding decisions # 123634 and # 124707, respectively. On April 17, 2020, claimant failed to appear at the hearings, and ALJ Scott issued Orders No. 20-UI-148305 and 20-UI-148303, dismissing claimant's requests for hearing on decisions # 123634 and # 124707, respectively, for failing to appear. On September 14, 2020,¹ claimant filed late requests to reopen both hearings.

On September 23, 2020, the Office of Administrative Hearings served notices of hearings scheduled for October 5, 2020 at 8:15 a.m. and 9:30 a.m. to consider claimant's requests to reopen the April 17, 2020 hearings, and if granted, the merits of decisions # 123634 and #124707, respectively. On October 5, 2020, claimant again failed to appear at the hearings, and on October 6, 2020 ALJ Schmidt issued Orders No. 2020-UI-154862 and 2020-UI-154864, dismissing claimant's requests for hearing on decisions # 123634 and # 124707, respectively, for failing to appear. On November 5, 2020, claimant again filed late requests to reopen both hearings.

¹ The orders under review found that claimant had filed these requests to reopen on September 15, 2020. Orders No. 2020-UI-07147 at 1 and 2020-UI-07148 at 1. However, the record shows that claimant actually filed them the previous day.

On November 18, 2020, the Office of Administrative Hearings served notices of hearings scheduled for December 2, 2020 at 8:15 a.m. and 9:30 a.m. to consider claimant's requests to reopen the April 17, 2020 and October 5, 2020 hearings and, if granted, the merits of decisions # 123634 and # 124707, respectively. On December 2, 2020, ALJ Scott conducted both hearings. On December 4, 2020, ALJ Scott issued Order No. 2020-UI-07147, granting claimant's requests to reopen both hearings for decision # 123634 and affirming decision # 123634. Also on December 4, 2020, ALJ Scott issued Order No. 2020-UI-07148, granting claimant's requests to reopen both hearings for decision # 124707 and modifying decision # 124707 to conclude that claimant was not able to work and therefore ineligible for benefits for the weeks including February 9, 2020 through November 14, 2020 (weeks 07-20 through 46-20). On December 18, 2020, claimant filed application for review of Orders No. 2020-UI-07147 and 2020-UI-07148 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Orders No. 2020-UI-07147 and 2020-UI-07148. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2020-EAB-0795 and 2020-EAB-0796).

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

DECISION: Orders No. 2020-UI-07147 and 2020-UI-07148 are affirmed.

S. Alba and D. P. Hettle.

DATE of Service: January 22, 2021

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.

NOTE: This decision denies payment of your Unemployment Insurance (UI) benefits.

However, you may be eligible for Pandemic Unemployment Assistance (PUA) benefits for the period you are not eligible for other benefits as long as you are unable to work, unavailable for work, or unemployed due to the COVID-19 public health emergency. PUA is a new unemployment benefits program available through the Oregon Employment Department in response to the COVID-19 pandemic.

Visit <https://unemployment.oregon.gov> for more information, to apply for PUA, or to contact the Oregon Employment Department using the "Contact Us" form. You can also apply for PUA by calling 1-833-410-1004, but please be aware that the PUA staff cannot answer questions about this decision that denies payment of regular Unemployment Insurance (UI) benefits.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveymoz.com/s3/5552642/EAB-Customer-Service-Survey>. You can access the survey using a computer, tablet, or smartphone. If you are unable to complete the survey online and need a paper copy of the survey, please contact our office.



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 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.

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