

EMPLOYMENT APPEALS BOARD DECISION
2021-EAB-0018

Application for Review Dismissed
Benefits Payable for Weeks 25-20 through 30-20, 32-20, and 34-20 through 36-20

PROCEDURAL HISTORY AND FINDINGS OF FACT: On September 1, 2020, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was denied unemployment insurance benefits from June 14, 2020 through August 22, 2020 during the break between academic years because claimant was likely to return to work after the break (decision # 74041). Claimant filed a timely request for hearing. On December 16, 2020, ALJ Scott conducted a hearing, and on December 22, 2020, issued Order No. 20-UI-158015, which concluded “claimant is eligible to receive unemployment insurance benefits during the summer recess period between the 2019-2020 and 2020 and 2021 academic years,” but mistakenly affirmed the Department’s decision.¹ On January 7, 2021 claimant filed an application for review of Order No. 20-UI-158015 with the Employment Appeals Board (EAB).

On February 8, 2021, ALJ Scott issued Amended Order No. 21-UI-160609, which amended Order No. 20-UI-158015 “to correct a scrivener’s error in the Order section.”² Amended Order No. 21-UI-160609 restated the Findings of Fact, Conclusion of Law, and Opinion of Order No. 20-UI-158015 but modified the Order section to read: “The administrative decision mailed September 1, 2020, is *set aside* ~~affirmed~~. Claimant is ~~not~~ eligible to receive benefits for the period of June 14, 2020 through July 25, 2020 (Weeks 25-20 through 30-20), August 2 through 8, 2020 (Week 32-20), and August 16, 2020 through September 5, 2020 (Weeks 34-20 through 36-20) under ORS 657.221.”³ [Emphasis and strikethrough in original.]

¹ Order No. 20-UI-158015 at 1-4.

² Amended Order No. 21-UI-160609 at footnote 1.

³ Amended Order No. 21-UI-160609 at 4.

EAB considered claimant's written argument in reaching this decision.

CONCLUSIONS AND REASONS: Claimant's application for review of Order No. 20-UI-158015 presents no justiciable controversy and is dismissed.

On January 7, 2021, EAB received from claimant an application for review of Order No. 20-UI-158015 based on what appeared to be a typographical error in that decision. Application for Review at 1. Order No. 20-UI-158015 concluded that, "claimant is eligible to receive unemployment insurance benefits during the summer recess period between the 2019-2020 and 2020 and 2021 academic years," but mistakenly affirmed decision # 74041, which denied claimant benefits. However, on February 8, 2021, ALJ Scott issued Amended Order No. 21-UI-160609, "to correct a scrivener's error in the Order section" of Order No. 20-UI-158015. Amended Order No. 21-UI-160609 set aside decision # 74041 and clarified that claimant was eligible to receive benefits for the period of June 14, 2020 through July 25, 2020 (weeks 25-20 through 30-20), August 2, 2020 through August 8, 2020 (week 32-20), and August 16, 2020 through September 5, 2020 (weeks 34-20 through 36-20) under ORS 657.221.

Accordingly, there is no justiciable controversy before EAB based upon claimant's January 7, 2021 application for review. *See accord Barcik v. Kubiacyk*, 321 Or 174, 895 P2d 765 (1995). Because the case before EAB presents no justiciable controversy, claimant's application for review of Order No. 20-UI-158015 is dismissed. Amended Order No. 20-UI-160609 remains undisturbed.

DECISION: The application for review of Order No. 20-UI-158015 filed January 7, 2021 is dismissed.

S. Alba and D. P. Hettle.

DATE of Service: February 10, 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.

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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.

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