

EMPLOYMENT APPEALS BOARD DECISION
2021-EAB-0246-R

Request for Reconsideration Dismissed
EAB Decision 2021-EAB-0246 and Order No. 21-UI-162815 Remain Undisturbed

PROCEDURAL HISTORY: On July 9, 2020, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause and was disqualified from receiving unemployment insurance benefits effective February 2, 2020 (decision # 133349). Claimant filed a timely request for hearing. On August 20, 2020, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for September 1, 2020 at 9:30 a.m. On September 1, 2020, claimant failed to appear at the hearing, and ALJ Williams issued Order No. 20-UI-153522, dismissing claimant's request for hearing based on her failure to appear. On September 20, 2020, claimant filed a timely request to reopen the hearing. On September 22, 2020, OAH served notice of a hearing scheduled for October 6, 2020 at 9:30 a.m. to consider claimant's request to reopen and, if allowed, the merits of decision # 133349. On October 6, 2020, ALJ Williams conducted a hearing, and on October 9, 2020 issued Order No. 20-UI-155074, allowing claimant's request to reopen and affirming decision # 133349. On October 25, 2020, claimant filed an application for review with the Employment Appeals Board (EAB). On December 2, 2020, EAB issued EAB Decision 2020-EAB-0681, modifying Order No. 20-UI-155074 by concluding that claimant had good cause to reopen the September 1, 2020 hearing, but remanding the matter for further development of the record to determine if claimant had good cause to quit work.

On January 14, 2021, OAH served notice of a hearing scheduled for January 27, 2021 at 2:30 p.m. On January 27, 2021, claimant failed to appear at the hearing, and on January 28, 2021, ALJ Amesbury issued Order No. 21-UI-159920, dismissing claimant's hearing request based on her failure to appear. On February 4, 2021, claimant filed a timely request to reopen the January 27, 2021 hearing. On February 25, 2021, OAH served notice of a hearing scheduled for March 15, 2021 to consider claimant's request to reopen and, if allowed, the merits of decision # 133349. On March 15, 2021, ALJ Amesbury conducted a hearing, and on March 17, 2021 issued Order No. 21-UI-162815, allowing claimant's request to reopen and modifying decision # 133349 to conclude that claimant quit work without good cause and was disqualified from receiving benefits effective February 9, 2020. On April 4, 2021, claimant filed a timely application for review of Order No. 21-UI-162815 with EAB. On May 10, 2021, EAB issued EAB Decision 2021-EAB-0246, affirming Order No. 21-UI-162815. On May 23, 2021, claimant filed a timely request for reconsideration.

This decision is issued pursuant to EAB's authority under ORS 657.290(3).

FINDING OF FACT: (1) Claimant's request for reconsideration did not include a statement that a copy of the request was provided to the other parties.

CONCLUSIONS AND REASONS: Claimant's request for reconsideration is dismissed.

ORS 657.290(3) authorizes the Employment Appeals Board to reconsider any previous decision of the Employment Appeals Board, including "the making of a new decision to the extent necessary and appropriate for the correction of previous error of fact or law." "Any party may request reconsideration to correct an error of material fact or law, or to explain any unexplained inconsistency with Employment Department rule, or officially stated Employment Department position, or prior Employment Department practice." OAR 471-041-0145(1) (May 13, 2019). The request is subject to dismissal unless it includes a statement that a copy was provided to the other parties, and is filed on or before the 20th day after the decision sought to be reconsidered was mailed. OAR 471-041-0145(2). Claimant's request for reconsideration did not include any such statement or otherwise indicate that claimant provided a copy of the request for reconsideration to the employer as required. Claimant's request is therefore dismissed.

DECISION: The request for reconsideration filed May 23, 2021 is dismissed. EAB Decision 2021-EAB-0246 and Order No. 21-UI-162815 remain undisturbed.

S. Alba and D. Hettle;
A. Steger-Bentz, not participating.

DATE of Service: June 29, 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.

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 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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