

**EMPLOYMENT APPEALS BOARD DECISION**  
**2021-EAB-0246-R-R**

*Late Request for Reconsideration Dismissed*

**PROCEDURAL HISTORY AND FINDINGS OF FACT:** 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 due to 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 allowing claimant's request 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 due to 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 working for the employer 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 of EAB Decision 2021-EAB-0246. On June 29, 2021, EAB issued EAB Decision 2021-EAB-0246-R, dismissing claimant's request for

reconsideration and leaving EAB Decision 2021-EAB-0246 and Order No. 21-UI-162815 undisturbed. On November 2, 2021, claimant filed a request for reconsideration of EAB Decision 2021-EAB-0246-R

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

**CONCLUSIONS AND REASONS:** Claimant's late request for reconsideration of EAB Decision 2021-EAB-0246-R 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 20<sup>th</sup> day after the decision sought to be reconsidered was mailed. OAR 471-041-0145(2).

EAB Decision 2021-EAB-0246-R was mailed to the parties on June 29, 2021. The deadline for claimant to file a timely request for reconsideration was July 19, 2021. Claimant submitted her request for reconsideration on November 2, 2021, which was more than 20 days after EAB Decision 2021-EAB-0246-R was mailed, and did not include a statement that the copy of the request for reconsideration was provided to the other party. For those reasons, under OAR 471-041-0145(2), claimant's request for reconsideration is dismissed.

**DECISION:** The request for reconsideration filed on November 2, 2021 is dismissed. EAB Decisions 2021-EAB-0246-R and 2021-EAB-0246, and Order No. 21-UI-162815 remain undisturbed.

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

**DATE of Service: December 9, 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](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 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 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.

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