

**EMPLOYMENT APPEALS BOARD DECISION**  
**2021-EAB-0543**

*Affirmed*  
*Ineligible for PEUC Benefits Weeks 45-20 to 25-21*

**PROCEDURAL HISTORY:** On April 27, 2021, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant is not eligible for Pandemic Emergency Unemployment Compensation (PEUC) benefits for the weeks of November 1, 2020 through November 7, 2020, and December 27, 2020 through April 24, 2021 (decision # 152206).<sup>1</sup> Claimant filed a timely request for hearing. On June 30, 2021, ALJ Janzen conducted a hearing, and on July 1, 2021 issued Order No. 21-UI-169666, modifying decision # 152206 by concluding that claimant is not eligible for PEUC benefits from November 1, 2020 through June 26, 2021. On July 6, 2021, claimant filed an application for review with the Employment Appeals Board (EAB).

**EVIDENTIARY MATTER:** At hearing, the ALJ identified and admitted a nine-page document from claimant as Exhibit 1. Audio Record at 3:50 to 6:05. However, Order No. 21-UI-169666 incorrectly states that no exhibits were offered or admitted into evidence at the hearing. Because claimant's nine-page documentary submission was properly marked and admitted into evidence, EAB has considered the documents when reaching this decision.

**FINDINGS OF FACT:** (1) On March 13, 2020, claimant filed an initial claim for regular unemployment insurance (UI) benefits in Oregon. On November 7, 2020, claimant exhausted his claim for regular benefits in Oregon.

(2) Claimant also claimed PEUC benefits in Oregon for the weeks of November 1, 2020, through June 26, 2021 (weeks 45-20 through 25-21), the weeks at issue.

(3) On December 14, 2020, the Department contacted claimant to advise him of his eligibility for combined wage regular UI benefits in Alaska. Claimant subsequently filed a claim for combined wage regular UI benefits in Alaska.

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<sup>1</sup> The administrative decision stated, "Benefits were claimed for the period November 1, 2020 through November 7, 2020 and for the period of *December 27, 2021* through April 24, 2021." Decision # 152206 at 1. (Emphasis added). The reference to "December 27, 2021" is assumed to be a typographical error.

(4) Alaska paid claimant on his combined wage regular UI benefit claims for the week ending January 16, 2021 through the week ending March 20, 2021, at which point claimant exhausted his combined wage regular UI benefits in Alaska.

(5) Oregon paid claimant PEUC benefits for the weeks of March 21, 2021 through May 8, 2021 (weeks 12-21 through 18-21), and denied PEUC benefits for the weeks of November 1, 2020 through March 20, 2021 (weeks 45-20 through 11-21) and May 9, 2021 through June 26, 2021 (weeks 19-21 through 25-21).

(6) Claimant has never filed a claim for PEUC benefits in Alaska.

**CONCLUSIONS AND REASONS:** Claimant is not eligible for PEUC benefits for weeks 45-20 through 25-21 in Oregon.

Title II, Subtitle A, Section 2107 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, Public Law (Pub. L.) 116-136 provides, in relevant part:

(a) Federal-State Agreements.—

\* \* \*

(2) Provisions of agreement.--Any agreement under paragraph (1) shall provide that the State agency of the State will make payments of pandemic emergency unemployment compensation to individuals who—

(A) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before July 1, 2019); [and]

(B) have no rights to regular compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law[.]

Eligibility for PEUC benefits under the CARES Act is available to individuals who have exhausted their eligibility for regular UI compensation in Oregon and do not have eligibility for regular UI compensation in any other state. The preponderance of the evidence shows that after claimant exhausted his regular UI benefits in Oregon, he was eligible for, applied for, and received combined wage regular UI benefits in Alaska through the week ending March 20, 2021 (week 11-21). Claimant's eligibility for regular UI benefits in Alaska during weeks 45-20 through 11-21 made him ineligible for PEUC benefits from Oregon during those weeks.

While claimant's exhaustion of regular UI benefits in Alaska as of March 20, 2021 may have made him eligible for PEUC benefits as of that date, federal law required him to make his claim for PEUC benefits in Alaska because Alaska was the location where claimant had most recently exhausted his entitlement to regular UI benefits and was the "paying state" for purposes of claimant's combined wage benefits claim. See U.S. Dep't of Labor, Unemployment Insurance Program Letter No. 17-20, Attachment I

(April 10, 2020), at I-2. Therefore, claimant was required to pursue his PEUC claim in Alaska, because Alaska was the “Applicable State” for PEUC claim filing purposes. *See* U.S. Dep’t of Labor, Unemployment Insurance Program Letter No. 17-20, Attachment I (April 10, 2020), at I-2. For the foregoing reasons, claimant is not eligible for PEUC benefits in Oregon for weeks 45-20 through 25-21.

**DECISION:** Order No. 21-UI-169666 is affirmed.

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

**DATE of Service: August 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](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 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 ໂດຍປະຕິບັດຕາມຄຳແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄຳຕັດສິນນີ້.

**Arabic**

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**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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