

**EMPLOYMENT APPEALS BOARD DECISION**  
**2022-EAB-0007**

*Late Applications for Review Dismissed*

**PROCEDURAL HISTORY:** On June 4, 2021, the Oregon Employment Department (the Department) served a Notice of Determination for Pandemic Unemployment Assistance (PUA) concluding that claimant was not entitled to receive PUA benefits effective December 6, 2020. On June 14, 2021, the Department served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was disqualified from receiving regular unemployment insurance benefits effective August 16, 2020 (decision # 125300). On June 24, 2021, the June 4, 2021 administrative decision became final without claimant having filed a request for hearing. Also on June 24, 2021, claimant filed a timely request for hearing on decision # 125300. On July 20, 2021, claimant filed a late request for hearing on the June 4, 2021 administrative decision. On November 29, 2021 at 9:30 a.m., ALJ Murdock conducted a hearing on decision # 125300. On November 29, 2021 at 10:45 a.m., ALJ Murdock conducted a hearing on the June 4, 2021 administrative decision. On December 1, 2021, ALJ Murdock issued Order No. 21-UI-180855, affirming the June 4, 2021 administrative decision by concluding that claimant was not eligible for PUA benefits for the weeks including April 11, 2021 through May 22, 2021 (weeks 15-21 through 20-21) and June 20, 2021 through July 3, 2021 (weeks 25-21 through 26-21).<sup>1</sup> On December 2, 2021, ALJ Murdock issued Order No. 21-UI-180945, affirming decision # 125300. On December 24, 2021, claimant filed late applications for review of Orders No. 21-UI-180855 and 21-UI-180945.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Orders No. 21-UI-180855 and 21-UI-180945. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2022-EAB-0006 and 2022-EAB-0007).

<sup>1</sup> Order No. 21-UI-180855 did not address that claimant filed his request for hearing on the June 4, 2021 administrative decision on July 20, 2021, which was after the June 24, 2021 deadline to timely request a hearing on the decision.

**FINDINGS OF FACT:** (1) Order No. 21-UI-180855, mailed to claimant on December 1, 2021, stated, “You may appeal this decision by filing the attached form Application for Review with the Employment Appeals Board within 20 days of the date that this decision is mailed.” Order No. 21-UI-180855 at 3. Order No. 21-UI-180855 also stated on its Certificate of Mailing, “Any appeal from this Order must be filed on or before December 21, 2021 to be timely.”

(2) Order No. 21-UI-180945, mailed to claimant on December 2, 2021, stated, “You may appeal this decision by filing the attached form Application for Review with the Employment Appeals Board within 20 days of the date that this decision is mailed.” Order No. 21-UI-180945 at 3. Order No. 21-UI-180945 also stated on its Certificate of Mailing, “Any appeal from this Order must be filed on or before December 22, 2021 to be timely.”

**CONCLUSIONS AND REASONS:** Claimant’s late applications for review of Orders No. 21-UI-180855 and 21-UI-180945 are dismissed.

An application for review is timely if it is filed within 20 days of the date that the Office of Administrative Hearings (OAH) mailed the order for which review is sought. ORS 657.270(6); OAR 471-041-0070(1) (May 13, 2019). The 20-day filing period may be extended a “reasonable time” upon a showing of “good cause.” ORS 657.875; OAR 471-041-0070(2). “Good cause” means that factors or circumstances beyond the applicant’s reasonable control prevented timely filing. OAR 471-041-0070(2)(a). A “reasonable time” is seven days after the circumstances that prevented the timely filing ceased to exist. OAR 471-041-0070(2)(b). A late application for review will be dismissed unless it includes a written statement describing the circumstances that prevented a timely filing. OAR 471-041-0070(3).

The application for review of Order No. 21-UI-180855 was due by December 21, 2021. Because claimant did not file their application for review until December 24, 2021, the application for review was late. Claimant’s application for review did not include a written statement describing the circumstances that prevented him from filing the application for review by the December 21, 2021 deadline. Accordingly, claimant did not show good cause for the late application for review, and claimant’s late application for review of Order No. 21-UI-180855 is dismissed.

The application for review of Order No. 21-UI-180945 was due December 22, 2021. Because claimant did not file their application for review until December 24, 2021, the application for review was late. Claimant’s application for review did not include a written statement describing the circumstances that prevented him from filing the application for review by the December 22, 2021 deadline. Accordingly, claimant did not show good cause for the late application for review, and claimant’s late application for review of Order No. 21-UI-180945 is dismissed.

**DECISION:** The applications for review filed December 24, 2021 are dismissed. Orders No. 21-UI-180855 and 21-UI-180945 remain undisturbed.

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

**DATE of Service:** January 21, 2022

**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](https://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 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.

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