

EMPLOYMENT APPEALS BOARD DECISION
2022-EAB-0128

Affirmed

Late Requests for Hearing Allowed

Order No. 22-UI-183560 ~ Ineligible for Extended Benefits Weeks 47-20 through 50-20
Amended Order No. 22-UI-183565 ~ Ineligible for PEUC Benefits Weeks 53-20 through 01-21

PROCEDURAL HISTORY: On June 29, 2021, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not eligible for extended benefits for the weeks of November 15, 2020 through December 12, 2020 (weeks 47-20 through 50-20) (decision # 62447). Also on June 29, 2021, the Department served notice of an administrative decision concluding that claimant was not eligible for Pandemic Emergency Unemployment Compensation (PEUC) for the weeks of December 27, 2020 through January 9, 2021 (weeks 53-20 through 1-21) because he was eligible for other unemployment benefits (decision # 62859). On July 19, 2021, decisions # 62447 and 62859 became final without claimant having filed requests for hearing. On October 27, 2021, claimant filed late requests for hearing on decisions # 62447 and 62859. ALJ Kangas considered claimant's requests, and on November 1, 2021 issued Order No. 21-UI-178571, dismissing claimant's request for hearing on decision # 62447 as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by November 15, 2021. Also on November 1, 2021 ALJ Kangas issued Order No. 21-UI-178570, dismissing claimant's request for hearing on decision # 62859 as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by November 15, 2021.

On November 8, 2021, claimant filed a timely response to the appellant questionnaires. On November 9, 2021, the Office of Administrative Hearings (OAH), mailed claimant a letter advising that Order No. 21-UI-178571 was vacated and a hearing would be scheduled to address the timeliness of claimant's request for hearing, and, if appropriate, the merits of decision # 62447. Also on November 9, 2021, the Office of Administrative Hearings (OAH) mailed claimant a letter advising that Order No. 21-UI-178570 was vacated and a hearing would be scheduled to address the timeliness of claimant's request for hearing, and, if appropriate, the merits of decision # 62859. On December 21, 2021, ALJ Monroe conducted a consolidated hearing on decisions # 62447 and 62859. On January 7, 2022, ALJ Monroe issued Order No. 22-UI-183560, allowing claimant's late request for hearing on decision # 62447 and affirming decision # 62447 on the merits. Also on January 7, 2022 ALJ Monroe issued Order No. 22-UI-183565, allowing claimant's late request for hearing on decision # 62859 and affirming decision #

62859 on the merits. The same day, ALJ Monroe issued Amended Order No. 22-UI-183565, which included analysis in two additional footnotes but otherwise was identical to Order No. 22-UI-183565.¹ On January 20, 2022, claimant filed applications for review of Order No. 22-UI-183560 and Amended Order No. 22-UI-183565.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Order No. 22-UI-183560 and Amended Order No. 22-UI-183565. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2022-EAB-0128 and 2022-EAB-0129).

EAB reviewed the entire consolidated hearing record. On *de novo* review and pursuant to ORS 657.275(2), the orders under review are **adopted**.

DECISION: Order No. 22-UI-183560 and Amended Order No. 22-UI-183565 are affirmed.

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

DATE of Service: March 3, 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. 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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¹ Amended Order No. 22-UI-183565 is presumed to have vacated and replaced Order No. 22-UI-183565.



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 ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນໍາທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄໍາຕັດສິນນີ້.

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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