

**EMPLOYMENT APPEALS BOARD DECISION**  
**2022-EAB-0223**

*Late Application for Review Dismissed Without Prejudice*

**PROCEDURAL HISTORY AND FINDINGS OF FACT:** On December 31, 2020, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was disqualified from receiving unemployment insurance benefits effective July 14, 2019 (decision # 122329). On January 20, 2021, decision # 122329 became final without claimant having filed a request for hearing. On February 19, 2021, the Department served a Notice of Determination for Pandemic Unemployment Assistance (PUA) concluding that claimant was not entitled to receive PUA effective February 2, 2020. On March 11, 2021, the February 19, 2021 administrative decision became final without claimant having filed a request for hearing. On March 12, 2021 claimant filed a late request for hearing on the February 19, 2021 administrative decision. On March 22, 2021, claimant filed a late request for hearing on decision # 122329. ALJ Kangas considered claimant's requests, and on April 13, 2021 issued Order No. 21-UI-164692, dismissing claimant's request for hearing on decision # 122329 as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by April 27, 2021. Also on April 13, 2021 ALJ Kangas issued Order No. 21-UI-164701, dismissing claimant's request for hearing on the February 19, 2021 administrative decision as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by April 27, 2021. On May 3, 2021, Orders No. 21-UI-164692 and 21-UI-164701 became final without claimant having filed a response to the appellant questionnaire or an application for review with the Employment Appeals Board (EAB). On February 9, 2022, claimant filed late applications for review of Orders No. 21-UI-164692 and 21-UI-164701 with EAB.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Orders No. 21-UI-164692 and 21-UI-164701. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2022-EAB-0222 and 2022-EAB-0223).

**CONCLUSIONS AND REASONS:** The applications for review are dismissed without prejudice.

On February 9, 2022, the appellant filed applications for review of Orders No. 21-UI-164692 and 21-UI-164701 with EAB. ORS 657.270(6) and ORS 657.270(7)(b) required each application for review to be filed no later than May 3, 2021. The appellant's applications for review are therefore late, and the applications for review are dismissed.

The deadline for filing an application for review may be extended a reasonable time upon a showing of good cause. *See* ORS 657.875; OAR 471-041-0070 (May 13, 2019). If the appellant believes they have good cause and filed their late application for review within a reasonable time, the appellant may request that EAB reconsider these decisions under OAR 471-041-0145 (May 13, 2019).

EAB will dismiss any request for reconsideration that does not include **all five** of the following:

1. The appellant must file the request for reconsideration within 20 days of the date these decisions were mailed; the date these decisions were mailed is February 18, 2022, making the deadline March 10, 2022<sup>1</sup> to file the request for reconsideration, *and*
2. The appellant must include a statement on the request for reconsideration declaring that they sent a copy of the request to the other party, *and*
3. The appellant must provide additional specific details about the reason they filed late applications for review for Orders No. 21-UI-164692 and 21-UI-164701. For example, the appellant should include specific information about the date they received Orders No. 21-UI-164692 and 21-UI-164701, whether they read the orders, whether they agreed or disagreed with the orders, the reason(s) why they did not file the applications for review before the deadline, how the reason(s) affected their ability to file timely applications for review, additional specific details regarding communications appellant had with the Office of Administrative Hearings, additional specific details (if any are available) regarding why appellant did not receive Orders No. 21-UI-164692 and 21-UI-164701 in the mail, why appellant filed their late applications for review when they did, and any other specific details that might help EAB determine whether or not the appellant had “good cause,” which means factors or circumstances beyond their reasonable control prevented them from filing timely applications for review, *and*
4. The appellant must provide the date the circumstances that prevented them from filing timely applications for review (which they listed in response to #3, above) ceased to exist, *and*
5. The appellant must provide sufficient information to prove that they filed their applications for review within seven days of that date.

The appellant may file a request for reconsideration in many ways; please note that you need only file *one* request for reconsideration for Order No. 21-UI-164692 and *one* request for reconsideration for Order No. 21-UI-164701:

1. Use your smart phone, tablet, or computer to fill out the “File a Written Argument” form, available on EAB’s website: <https://www.oregon.gov/EMPLOY/EAB/Pages/default.aspx>, *or*
2. Use your smart phone, tablet, or computer to send an email to EAB at [OED\\_EAB\\_OFFICE@employ.oregon.gov](mailto:OED_EAB_OFFICE@employ.oregon.gov), *or*

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<sup>1</sup> Parties only get 20 days to respond regardless of holidays or if the deadline falls on a weekend.

3. Send the request by U.S. mail or another delivery service, addressed to 875 Union St NE, Salem, Oregon 97311, *or*
4. Send EAB a fax at 503-378-2129.

**DECISION:** The applications for review filed February 9, 2022 are dismissed without prejudice. Orders No. 21-UI-164692 and 21-UI-164701 remain undisturbed.

S. Alba, D. Hettle and A. Steger-Bentz.

**DATE of Service: February 18, 2022**

**Please help us improve our service by completing an online customer service survey.** To complete the survey, please go to <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. You can access the survey using a computer, tablet, or smartphone. If you are unable to complete the survey online and need a paper copy of the survey, please contact our office.



# 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 ໂດຍປະຕິບັດຕາມຄໍາແນະນໍາທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄໍາຕັດສິນນີ້.

**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**  
 Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711  
[www.Oregon.gov/Employ/eab](http://www.Oregon.gov/Employ/eab)

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El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.