

EMPLOYMENT APPEALS BOARD DECISION
2023-EAB-0356

Affirmed
Late Requests to Reopen Dismissed

PROCEDURAL HISTORY: On July 29, 2021, the Oregon Employment Department (the Department) served notice of seven administrative decisions, concluding respectively that claimant filed late claims for unemployment insurance benefits for the weeks of January 10, 2021 through January 16, 2021 (week 02-21), January 24, 2021 through January 30, 2021 (week 04-21), February 28, 2021 through March 6, 2021 (week 09-21), March 21, 2021 through March 27, 2021 (week 12-21), May 9, 2021 through May 15, 2021 (week 19-21), June 6, 2021 through June 12, 2021 (week 23-21), and July 4, 2021 through July 10, 2021 (week 27-21) and therefore was ineligible to receive benefits for each of those weeks (decisions # 145045, 142823, 145428, 145835, 150339, 150641, and 150921). Claimant filed timely requests for hearing on all seven of the administrative decisions.

On August 3, 2022, the Office of Administrative Hearings (OAH) served notice of a consolidated hearing on decisions # 145045, 142823, 145428, 145835, 150339, 150641, and 150921, scheduled for August 19, 2022. On August 19, 2022, claimant failed to appear for the hearing, and ALJ Mott issued Orders No. 22-UI-200894, 22-UI-200890, 22-UI-200892, 22-UI-200883, 22-UI-200886, 22-UI-200888, and 22-UI-200885, dismissing claimant's requests for hearing on decisions # 145045, 142823, 145428, 145835, 150339, 150641, and 150921, respectively, due to claimant's failure to appear. On September 8, 2022, Orders No. 22-UI-200894, 22-UI-200890, 22-UI-200892, 22-UI-200883, 22-UI-200886, 22-UI-200888, and 22-UI-200885 became final without claimant having filed requests to reopen the hearing. On September 9, 2022, claimant filed a late request to reopen the August 19, 2022 hearing.

On February 10, 2023, OAH served notice of a consolidated hearing scheduled for March 6, 2023 to determine whether claimant had good cause to file the late request to reopen the August 3, 2022 hearing, if so, whether claimant had good cause for failing to appear at the August 19, 2022 hearing, and, if so, the merits of decisions # 145045, 142823, 145428, 145835, 150339, 150641, and 150921. On March 6, 2023, claimant failed to appear at the hearing, and ALJ Sachet-Rung issued Orders No. 23-UI-217991, 23-UI-217996, 23-UI-217997, 23-UI-217992, 23-UI-217994, 23-UI-217995, and 23-UI-217993, dismissing claimant's late requests to reopen the August 19, 2022 hearing and leaving Orders No. 22-UI-200894, 22-UI-200890, 22-UI-200892, 22-UI-200883, 22-UI-200886, 22-UI-200888, and 22-UI-200885 undisturbed. On March 22, 2023, claimant filed applications for review of Orders No. 23-UI-

217991, 23-UI-217996, 23-UI-217997, 23-UI-217992, 23-UI-217994, 23-UI-217995, and 23-UI-217993 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Orders No. 23-UI-217991, 23-UI-217996, 23-UI-217997, 23-UI-217992, 23-UI-217994, 23-UI-217995, and 23-UI-217993. For case-tracking purposes, this decision is being issued in septuplicate (EAB Decisions 2023-EAB-0350, 2023-EAB-0352, 2023-EAB-0351, 2023-EAB-0356, 2023-EAB-0354, 2023-EAB-0353, and 2023-EAB-0355).

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: Orders No. 23-UI-217991, 23-UI-217996, 23-UI-217997, 23-UI-217992, 23-UI-217994, 23-UI-217995, and 23-UI-217993 are affirmed.

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

DATE of Service: April 21, 2023

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.

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 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.

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

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

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.