

**EMPLOYMENT APPEALS BOARD DECISION**  
**2023-EAB-0591**

*Affirmed*  
*Late Requests for Hearing on Decisions # 121345 and 110048 Allowed*  
*Ineligible Weeks 21-21 through 30-21 and 32-21 through 38-21*  
*Overpayment and Penalties*

**PROCEDURAL HISTORY:** On April 18, 2022, the Oregon Employment Department (the Department) served notice of two administrative decisions concluding that claimant was not available for work from August 8 through September 25, 2020<sup>1</sup> and May 23 through July 31, 2021 (weeks 21-21 through 30-21) and was not eligible for benefits for those periods (decisions # 121345 and 110048, respectively). On May 9, 2022, decisions # 121345 and 110048 became final without claimant having filed requests for hearing on those decisions.

On May 13, 2022, the Department served notice of an administrative decision based in part on decisions # 121345 and 110048, concluding that claimant willfully made a misrepresentation and failed to report a material fact to obtain benefits and assessing an overpayment of \$18,702.00 in regular unemployment insurance (regular UI), \$3,514.00 in Pandemic Emergency Unemployment Compensation (PEUC), \$600.00 in Lost Wages Assistance (LWA), and \$15,900.00 in Federal Pandemic Unemployment Compensation (FPUC) benefits, an \$11,434.80 monetary penalty, and a penalty disqualification for 52-weeks of future benefits. On May 28, 2022, claimant late requests for hearing on decisions # 121345 and 110048, and a timely request for hearing on the May 13, 2022 administrative decision.

On April 3 and 20, 2023, ALJ Goodrich conducted a consolidated hearing, and on May 10, 2023 issued Order No. 23-UI-224471 allowing claimant's late request for hearing on decision # 121345 and modifying that decision by concluding that claimant was unavailable for work and therefore ineligible for benefits for the weeks of August 8 through September 25, 2021 (weeks 32-21 through 38-21).<sup>2</sup> Also

<sup>1</sup> This time period does not correspond with numbered benefit weeks as it does not begin on a Sunday and end on a Saturday. At hearing, it was established that decision # 121345 was intended to deny benefits for the weeks of August 8, 2021 through September 25, 2021 (weeks 32-21 through 38-21). Order No. 23-UI-224471 at 4.

<sup>2</sup> Although Order No. 23-UI-224471 stated that it affirmed decision # 121345, it modified that decision by changing the year of the effective dates of the disqualification from 2020 to 2021, as explained in footnote 1.

on May 10, 2023, ALJ Goodrich issued Order No. 23-UI-224473 allowing claimant's late request for hearing on decision # 110048 and affirming that decision. On May 16, 2023, ALJ Goodrich issued Order No. 23-UI-224940, affirming the May 13, 2022 administrative decision. Claimant filed timely applications for review of Orders No. 23-UI-224471, 23-UI-224473, and 23-UI-224940 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Orders No. 23-UI-224471, 23-UI-224473, and 23-UI-224940. For case-tracking purposes, this decision is being issued in triplicate (EAB Decisions 2023-EAB-0591, 2023-EAB-0590, and 2023-EAB-0592, respectively).

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-224471, 23-UI-224473, and 23-UI-224940 are affirmed.

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

**DATE of Service: June 27, 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](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 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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