

EMPLOYMENT APPEALS BOARD DECISION
2023-EAB-0626

Applications for Review Dismissed
No Justiciable Controversy

PROCEDURAL HISTORY AND FINDINGS OF FACT: On March 22, 2023, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work during the weeks including February 5, 2023 through March 4, 2023 (weeks 06-23 through 09-23) and was therefore ineligible to receive unemployment insurance benefits during those weeks (decision # 84207). On March 24, 2023, the Department served notice of an administrative decision concluding that claimant was not available for work during the weeks including January 29, 2023 through March 18, 2023 (weeks 05-23 through 11-23) and therefore was not eligible to receive benefits for those weeks and until the reason for the denial had ended (decision # 80019). Claimant filed timely requests for hearing on decisions # 84207 and 80019. On May 25, 2023, ALJ Janzen conducted a combined hearing on both administrative decisions. On May 26, 2023, ALJ Janzen issued Order No. 23-UI-226213, reversing decision # 80019 by concluding that claimant was available for work during the weeks including January 29, 2023 through May 20, 2023 (weeks 05-23 through 20-23) and therefore was eligible to receive benefits for those weeks. On June 7, 2023, ALJ Janzen issued Order No. 23-UI-227132, reversing decision # 84207 by concluding that claimant had actively sought work during weeks 06-23 through 09-23 and therefore was eligible to receive benefits for those weeks.¹ On May 31, 2023, claimant filed applications for review of Orders No. 23-UI-227132 and 23-UI-226213 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Orders No. 23-UI-227132 and 23-UI-226213. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2023-EAB-0626 and 2023-EAB-0627).

¹ On May 26, 2023, ALJ Janzen issued Order No. 23-UI-226212. That order determined that claimant had actively sought work during these weeks and stated that decision # 84207 was “set aside,” but nevertheless concluded that claimant was “not eligible to receive benefits” for those weeks. Order No. 23-UI-226212 at 2–3. Order No. 23-UI-227132 was issued on June 7, 2023 in order to correct the typographical error and state that claimant *was* eligible for benefits for those weeks. Because Order No. 23-UI-227132 was issued to amend Order No. 23-UI-226212, claimant’s application for review of Order No. 23-UI-226212 is construed to instead apply to Order No. 23-UI-227132.

CONCLUSIONS AND REASONS: Claimant’s applications for review of Orders No. 23-UI-227132 and 23-UI-226213 present no justiciable controversy and are dismissed.

On May 31, 2023, claimant filed with EAB applications for review of orders that allowed the appellant benefits. Claimant did not assign error to any portion of those orders, did not request reversal of any portion of the orders, and alleged no facts entitling claimant to further relief in these matters. Accordingly, there is no justiciable controversy before EAB based upon claimant’s applications for review. *See accord Barcik v. Kubiacyk*, 321 Or 174, 895 P2d 765 (1995). Because the cases before EAB presents no justiciable controversy, the applications for review of Orders No. 23-UI-227132 and 23-UI-226213 are dismissed and Orders No. 23-UI-227132 and 23-UI-226213 remain undisturbed.

DECISION: The applications for review filed May 31, 2023 are dismissed. Orders No. 23-UI-227132 and 23-UI-226213 remain undisturbed.

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

DATE of Service: July 7, 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.

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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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