

EMPLOYMENT APPEALS BOARD DECISION
2023-EAB-1013-R

Request for Reconsideration Allowed
EAB Decision 2023-EAB-1013 Modified on Reconsideration
Order No. 23-UI-234471 Affirmed ~ Eligible Week 29-23, Ineligible Week 30-23

PROCEDURAL HISTORY AND FINDINGS OF FACT: On August 3, 2023, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to register for work in accordance with the Department's rules and therefore was ineligible to receive unemployment insurance benefits for the week of July 16, 2023 through July 22, 2023 (week 29-23) and until the reason for the denial had ended. Claimant filed a timely request for hearing. On August 24, 2023, ALJ Adamson conducted a hearing, and on August 29, 2023, issued Order No. 23-UI-234471, modifying the August 3, 2023 administrative decision by concluding that claimant failed to register for work in accordance with the Department's rules and therefore was ineligible to receive benefits for the week of July 23, 2023 through July 29, 2023 (week 30-23). On September 6, 2023, claimant filed an application for review with the Employment Appeals Board (EAB). On October 12, 2023, EAB issued EAB Decision 2023-EAB-1013, affirming Order No. 23-UI-234471.¹ On October 25, 2023, the Department filed a timely request for reconsideration.² This decision is issued pursuant to EAB's authority under ORS 657.290(3).

CONCLUSIONS AND REASONS: The Department's request for reconsideration is allowed. EAB Decision 2023-EAB-1013 is modified on reconsideration. Order No. 23-UI-234471 is affirmed. Claimant was eligible to receive benefits for week 29-23, but was ineligible to receive benefits for week 30-23.

¹ As explained in greater detail below, due to a scrivener's error, EAB Decision 2023-EAB-1013 stated that Order No. 23-UI-234471 concluded that claimant was ineligible to receive benefits for weeks 29-23 and 30-23, when the order actually concluded, and EAB affirmed, that claimant was ineligible only for week 30-23.

² The Department initially suggested reconsideration in an email to EAB on October 13, 2023, and the email was originally acknowledged as a request for reconsideration by EAB. However, that email did not include a statement that a copy of it had been sent to claimant. EAB therefore considers the Department's October 25, 2023 filing, which included this required statement, to be the request for reconsideration.

ORS 657.290(3) authorizes the Employment Appeals Board to reconsider any previous decision of the Employment Appeals Board, including “the making of a new decision to the extent necessary and appropriate for the correction of previous error of fact or law.” “Any party may request reconsideration to correct an error of material fact or law, or to explain any unexplained inconsistency with Employment Department rule, or officially stated Employment Department position, or prior Employment Department practice.” OAR 471-041-0145(1) (May 13, 2019). The request is subject to dismissal unless it includes a statement that a copy was provided to the other parties, and is filed on or before the 20th day after the decision sought to be reconsidered was mailed. OAR 471-041-0145(2).

The Department filed a request for reconsideration consistent with the requirements set forth in OAR 471-041-0145. The request for reconsideration is therefore allowed.

In EAB Decision 2023-EAB-1013, EAB adopted the findings and conclusions of Order No. 23-UI-234471. EAB Decision 2023-EAB-1013 at 2. Order No. 23-UI-234471 concluded that claimant was “eligible to receive benefits for the period July 16, 2023, through July 22, 2023 [(week 29-23)] . . . [and] not eligible to receive benefits for the period July 23, 2023, through July 29, 2023 [(week 30-23).]” Order No. 23-UI-234471 at 4. In its request for reconsideration, the Department noted that EAB Decision 2023-EAB-1013 erroneously stated that Order No. 23-UI-234471 concluded that claimant was ineligible to receive benefits for both weeks 29-23 and 30-23. The Department’s Request for Reconsideration at 1. On reconsideration, EAB Decision 2023-EAB-1013 is therefore modified to correct this scrivener’s error, and clarify that claimant was only ineligible to receive benefits for week 30-23, and was eligible to receive benefits for week 29-23 as Order No. 23-UI-234471 concluded.

DECISION: The Department’s request for reconsideration is allowed. EAB Decision 2023-EAB-1013 is modified on reconsideration. Order No. 23-UI-234471 is affirmed. Claimant was eligible to receive benefits for week 29-23, but was ineligible to receive benefits for week 30-23.

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

DATE of Service: November 22, 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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