

EMPLOYMENT APPEALS BOARD DECISION
2023-EAB-1288

Affirmed
Late Requests for Hearing Dismissed

PROCEDURAL HISTORY AND FINDINGS OF FACT: On October 2, 2023, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was denied benefits for the weeks from September 10 through 23, 2023 and until claimant provided identification verification documentation following the Department's rules (decision # 92949). Also on October 2, 2023, the Department served notice of an administrative decision concluding that claimant was denied benefits for the week of September 10 through 16, 2023 and until claimant registered for work following the Department's rules (October 2, 2023 work registration decision). On October 23, 2023, decision # 92949 and the October 2, 2023 work registration decision became final without claimant having filed a request for hearing. On October 30, 2023, claimant filed late requests for hearing on decision # 92949 and the October 2, 2023 work registration decision.

ALJ Kangas reviewed claimant's late requests for hearing on decision # 92949 and the October 2, 2023 work registration decision. On November 2, 2023, ALJ Kangas issued Order No. 23-UI-240281, dismissing claimant's request for hearing on the October 2, 2023 work registration decision as late without a showing of good cause, subject to claimant's right to renew the request by responding to an appellant questionnaire by November 16, 2023. On November 3, 2023, ALJ Kangas issued Order No. 23-UI-240353, dismissing claimant's request for hearing on decision # 92949 as late without a showing of good cause, subject to claimant's right to renew the request by responding to an appellant questionnaire by November 17, 2023. On November 20, 2023, claimant filed timely applications for review of Orders No. 23-UI-240353 and 23-UI-240281 with the Employment Appeals Board (EAB).

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Orders No. 23-UI-240353 and 23-UI-240281. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2023-EAB-1287 and 2023-EAB-1288).

FINDINGS OF FACT: (1) Decision # 92949 and the October 2, 2023 work registration decision stated, "Appeal Deadline Date: OCTOBER 23, 2023." Exhibit 1. Decision # 92949 and the October 2, 2023 work registration decision also stated, "You have the right to appeal this decision if you do not believe it is correct. Your request for appeal must be received no later than October 23, 2023. Exhibit 1. On

October 30, 2023, claimant requested a hearing on Decision # 92949 and the October 2, 2023 work registration decision online.

(2) Claimant did not file a timely response to the appellant questionnaire attached to Order No. 23-UI-240353 or 23-UI-240281.¹ Claimant did not include an appellant questionnaire response or submit a written argument with her applications for review of Orders No. 23-UI-240353 and 23-UI-240281.

CONCLUSIONS AND REASONS: Claimant’s late requests for hearing on decision # 92949 and the October 2, 2023 work registration decision are dismissed.

ORS 657.269 provides that the Department’s decisions become final unless a party files a request for hearing within 20 days after the date the decision is mailed. ORS 657.875 provides that the 20-day deadline may be extended a “reasonable time” upon a showing of “good cause.” OAR 471-040-0010 (February 10, 2012) provides that “good cause” includes factors beyond an applicant’s reasonable control or an excusable mistake, and defines “reasonable time” as seven days after those factors ceased to exist.

The requests for hearing on decision # 92949 and the October 2, 2023 work registration decision were due by October 23, 2023. Because claimant did not file her requests for hearing until October 30, 2023, the requests for hearing were late. Claimant did not file a timely response to the appellant questionnaire attached to Order No. 23-UI-240353 or 23-UI-240281, which dismissed claimant’s late requests for hearing as late without a showing of good cause, subject to claimant’s right to renew the requests by filing a timely response. Claimant also did not include an appellant questionnaire response or submit a written argument with her applications for review of Orders No. 23-UI-240353 and 23-UI-240281. Accordingly, claimant did provide information to show good cause for the late requests for hearing, and her late requests for hearing are dismissed.

DECISION: Orders No. 23-UI-240353 and 23-UI-240281 are affirmed.

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

DATE of Service: December 29, 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.

¹ EAB has taken notice of this fact based on Employment Department records. OAR 471-041-0090(1) (May 13, 2019). Any party that objects to our taking notice of this information must submit such objection to this office in writing, setting forth the basis of the objection in writing, within ten days of our mailing this decision. OAR 471-041-0090(2). Unless such objection is received and sustained, the noticed fact will remain in the record.

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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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