

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0205**

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On May 21, 2021, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was disqualified from receiving unemployment insurance benefits effective July 12, 2020 (decision # 131734). On June 10, 2021, decision # 131734 became final without claimant having filed a request for hearing. On February 28, 2022, claimant filed a late request for hearing on decision # 131734. On October 23, 2023, the Office of Administrative Hearings (OAH) served notice of a hearing on whether to allow claimant's late request for hearing on decision # 131734, and if so, the merits of the decision scheduled for November 6, 2023, at 8:15 a.m. On November 6, 2023, claimant failed to appear for the 8:15 a.m. hearing, and, on November 13, 2023, ALJ Monroe issued Order No. 23-UI-241026, dismissing the request for hearing on decision # 131734 due to claimant's failure to appear.

On November 17, 2023, claimant mailed an application for review form to the Employment Appeals Board (EAB) requesting review of Order No. 23-UI-241026. Pursuant to OAR 471-041-0060(4) (effective May 13, 2019), because claimant failed to appear at the hearing scheduled for November 6, 2023, at 8:15 a.m., EAB treated claimant's November 17, 2023, submission as a timely request to reopen the hearing under ORS 657.270(5). On December 1, 2023, EAB mailed a letter notifying claimant that their application for review was being treated as a request to reopen the November 6, 2023, hearing, that EAB was sending claimant's reopen request to OAH for further processing, and that EAB would take no further action in the case. The letter also specified that if OAH issued a new order in the case, claimant would have the right to appeal the new order to EAB by filing an application for review.

ALJ Kangas considered claimant's request to reopen the November 6, 2023, hearing, and on February 6, 2024, issued Order No. 24-UI-247344, denying claimant's request to reopen and leaving Order No. 23-UI-241026 undisturbed. On February 24, 2024, claimant filed an application for review of Order No. 24-UI-247344 with EAB.

**WRITTEN ARGUMENT:** EAB did not consider claimant’s written argument when reaching this decision because they did not include a statement declaring that they provided a copy of their argument to the opposing party as required by OAR 471-041-0080(2)(a) (May 13, 2019).

It is warranted to address an apparent misunderstanding raised in claimant’s written argument. In the argument, claimant states that they did not fail to appear for the hearing in this case and further states that the hearing in this case was set for November 6, 2023, at **10:45 a.m.** Claimant’s Written Argument at 1. Claimant’s assertion that the hearing was scheduled for 10:45 a.m. is incorrect. The hearing in this case was scheduled for November 6, 2023, at **8:15 a.m.** Further, the record shows that claimant failed to appear at that hearing and then did not supply a written statement explaining why they failed to appear when they filed their request to reopen the hearing. Because claimant’s reopen request lacked an explanation for why claimant failed to appear, claimant failed to show good cause and it was appropriate for Order No. 24-UI-247344 to deny the request. For that reason, as indicated below, EAB is adopting Order No. 24-UI-247344.

To the extent it may provide some clarity, note that Department records show that claimant was initially scheduled to appear for two other hearings on November 6, 2023: (1) a hearing on the Department’s denial of claimant’s Lost Wages Assistance overpayment waiver at **9:30 a.m.**, and (2) a hearing on the merits of claimant’s Lost Wages Assistance overpayment at **10:45 a.m.** The hearing in this case was regarding whether claimant’s late request for hearing should be allowed and, if so, whether claimant voluntarily quit work without good cause and was disqualified from receiving benefits. That hearing was scheduled for **8:15 a.m.** and claimant failed to appear for it. Department records show that on October 25, 2023, the Department issued an administrative decision canceling claimant’s Lost Wages Assistance overpayment. On October 31, 2023, the Department mailed to claimant notices dismissing claimant’s requests for hearing on the overpayment matters respectively scheduled for November 6, 2023, at 9:30 a.m. and 10:45 a.m. However, claimant’s November 6, 2023, at 8:15 a.m. hearing on the voluntary quit issue was not affected by the Department’s cancelation of claimant’s Lost Wages Assistance overpayment or dismissal of the 9:30 a.m. and 10:45 a.m. hearings.<sup>1</sup>

EAB considered the entire hearing record. EAB agrees with Order No. 24-UI-247344’s findings of fact, reasoning, and conclusion denying claimant’s request to reopen the November 6, 2023, hearing. Pursuant to ORS 657.275(2), Order No. 24-UI-247344 is **adopted**.

**DECISION:** Order No. 24-UI-247344 is affirmed.

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

**DATE of Service:** March 29, 2024

**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

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<sup>1</sup> EAB has taken notice of the facts contained in this paragraph, which are contained in 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.

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.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**  
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[www.Oregon.gov/Employ/eab](http://www.Oregon.gov/Employ/eab)

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