

EMPLOYMENT APPEALS BOARD DECISION
2024-EAB-0365

Applications for Review Dismissed Without Prejudice

PROCEDURAL HISTORY AND FINDINGS OF FACT: On December 26, 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 was ineligible for benefits for the week of December 3 through 9, 2023 (week 49-23) and until the reason for the denial ended. Also on December 26, 2023, the Department issued an administrative decision concluding that claimant failed to provide information in accordance with the Department's rules and was ineligible for benefits for week 49-23 and until the reason for the denial ended (decision # 94046). On January 16, 2024, both administrative decisions became final without claimant having filed requests for hearing.

On January 25, 2024, claimant filed late requests for hearing on both administrative decisions. ALJ Kangas considered claimant's requests, and on January 31, 2024, issued Orders No. 24-UI-247020 and 24-UI-247009, dismissing claimant's requests for hearing on the administrative decisions as late, subject to claimant's right to renew the requests by responding to an appellant questionnaire by February 14, 2024. On February 20, 2024, Orders No. 24-UI-247020 and 24-UI-247009 became final without claimant having filed a response to the appellant questionnaire or applications for review with the Employment Appeals Board (EAB). On April 10, 2024, claimant filed late applications for review of Orders No. 24-UI-247020 and 24-UI-247009 with EAB.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Orders No. 24-UI-247020 and 24-UI-247009. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2024-EAB-0364 and 2024-EAB-0365).

CONCLUSIONS AND REASONS: The applications for review are dismissed without prejudice.

On April 10, 2024, the appellant filed applications for review of Orders No. 24-UI-247020 and 24-UI-247009 with EAB. ORS 657.270(6) and ORS 657.270(7)(b) required the applications for review to be filed no later than February 20, 2024. The appellant's applications for review are therefore late, and are dismissed.

The deadline for filing an application for review may be extended a reasonable time upon a showing of good cause. See ORS 657.875; OAR 471-041-0070 (May 13, 2019). If the appellant believes they have good cause and filed their late applications for review within a reasonable time, the appellant may request that EAB reconsider this decision under OAR 471-041-0145 (May 13, 2019).

EAB will dismiss any request for reconsideration that does not include all five of the following:

1. The appellant must file the request for reconsideration within 20 days of the date this decision was mailed; the date this decision was mailed is May 23, 2024, and
2. The appellant must include a statement on the request for reconsideration declaring that they sent a copy of the request to the other party, and
3. The appellant must provide additional specific details about the reason they filed a late application for review. For example, the appellant should include specific information about the date they received the ALJ's orders that were mailed January 31, 2024, whether they read them, whether they agreed or disagreed with the ALJ's orders, the reason(s) why they did not file the applications for review before the deadline, how the reason(s) affected their ability to file timely applications for review, and any other specific details that might help EAB determine whether or not the appellant had "good cause," which means factors or circumstances beyond their reasonable control prevented them from filing timely applications for review, and
4. The appellant must provide the date the circumstances that prevented them from filing timely applications for review (which they listed in response to #3, above) ended, and
5. The appellant must provide sufficient information to prove that they filed their applications for review within seven days of that date.

Further, the record presently contains no information as to why claimant's requests for hearing on the two administrative decisions issued December 26, 2023, were not filed by the January 16, 2024, deadline. Claimant should therefore also explain with their request for reconsideration why their requests for hearing on these two administrative decisions were filed late, using the same criteria listed above. Depending on the circumstances, EAB may consider this additional information if claimant's late applications for review are allowed on reconsideration.

The appellant may file a request for reconsideration in many ways; please note that you need only file one request for reconsideration:

1. Use your smart phone, tablet, or computer to fill out the "File a Written Argument" form, available on EAB's website: <https://www.oregon.gov/EMPLOY/EAB/Pages/default.aspx>, or
2. Use your smart phone, tablet, or computer to send an email to EAB at OED_EAB_OFFICE@employ.oregon.gov, or

3. Send the request by U.S. mail or another delivery service, addressed to 875 Union St NE, Salem, Oregon 97311, or
4. Send EAB a fax at 503-378-2129.

DECISION: The applications for review filed April 10, 2024, are dismissed without prejudice. Orders No. 24-UI-247020 and 24-UI-247009 remain undisturbed.

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

DATE of Service: May 23, 2024

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveymizmo.com/s3/5552642/EAB-Customer-Service-Survey>. You can access the survey using a computer, tablet, or smartphone. If you are unable to complete the survey online and need a paper copy of the survey, please contact our office.



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 الاستئناف 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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