

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0800**

*Affirmed*  
*Requests to Reopen Allowed*  
*Request to Cancel Claim Denied*

**PROCEDURAL HISTORY:** On April 15, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision denying claimant's request to cancel his claim (decision # L0003634984). Claimant filed a timely request for hearing. On May 22, 2024, notice was mailed to claimant that a hearing had been scheduled for June 6, 2024. On June 6, 2024, claimant failed to appear for the hearing, and ALJ S. Lee issued Order No. 24-UI-255857, dismissing the request for hearing due to claimant's failure to appear. On June 11, 2024, claimant filed a timely request to reopen the June 6, 2024, hearing. On July 25, 2024, notice was mailed to claimant that a hearing had been scheduled for August 8, 2024, to determine whether claimant's request to reopen should be allowed and, if so, the merits of decision # L0003634984. On August 8, 2024, claimant failed to appear for the hearing, and ALJ Janzen issued Order No. 24-UI-261960, denying claimant's request to reopen the June 6, 2024, hearing due to his failure to appear and leaving Order No. 24-UI-255857 undisturbed. On August 20, 2024, claimant filed a timely request to reopen the August 8, 2024, hearing. On October 10, 2024, ALJ Janzen conducted a hearing, and on November 5, 2024, issued Order No. 24-UI-272161, cancelling Orders No. 24-UI-255857 and 24-UI-261960, allowing claimant's requests to reopen both hearings, and affirming decision # L0003634984 on the merits. On November 13, 2024, claimant filed an application for review of Order No. 24-UI-272161 with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** EAB considered claimant's argument in reaching this decision.

EAB considered the entire hearing record, including witness testimony and any exhibits admitted as evidence. EAB agrees with the parts of Order No. 24-UI-272161 allowing claimant's requests to reopen the June 6, 2024, and August 8, 2024, hearings. Those parts of Order No. 24-UI-272161 are **adopted**. See ORS 657.275(2).

**FINDINGS OF FACT:** (1) On February 12, 2024, claimant filed an initial claim for unemployment insurance benefits. The Department determined that the claim was monetarily valid with a weekly benefit amount (WBA) of \$190.

(2) Claimant filed weekly claims for benefits for the weeks of February 11, 2024, through February 24, 2024 (weeks 07-24 and 08-24). The Department allowed waiting week credit for week 07-24 and paid benefits for week 08-24 by check. Claimant negotiated the check and received payment for it on or before February 29, 2024.

(3) Claimant contacted the Department at some point after learning his WBA to inquire about the amount. A representative advised claimant that he would have been entitled to a greater WBA had his claim been filed during the second quarter of 2024, and explained the process for requesting cancellation of his existing claim so that he could file a new initial claim at that time. The representative advised claimant to “not do anything” on his claim until the second quarter began in April 2024, then to request claim cancellation and file a new initial claim. Audio Record at 36:26. Claimant did not understand this instruction to mean that negotiating the check for week 08-24 would prevent him from being able to cancel his claim.

(4) On April 11, 2024, claimant filed a request to cancel his claim, which the Department denied based on the payment of benefits for week 08-24.

**CONCLUSIONS AND REASONS:** Claimant’s request to cancel his claim is denied.

ORS 657.266(4) provides, “An initial or amended determination may be canceled by the claimant at any time even though final, providing no disqualification has been assessed, no appeal of a disqualification or denial has been requested by the claimant nor benefits paid on such claim.”

OAR 471-030-0095 (January 11, 2018) provides:

- (1) An initial or amended determination may be canceled at any time provided the requirements of ORS 657.266(4) are met.
- (2) Requests for cancellation may be taken by phone or in writing. Any written request must be signed by the claimant or by an authorized agent of the claimant.
- (3) Cancellation will be denied if benefits have been paid. Benefits have been paid if the claimant negotiates a benefit check or if the claimant’s account in a bank or similar financial institution has been credited with one or more benefit payments.

Claimant requested cancellation of his claim on April 11, 2024. However, claimant had negotiated a check for benefits on that claim prior to making the request. Claimant explained that the representative who had advised him to “not do anything” on the claim so that he could request cancellation failed to clarify that this meant returning the benefit check that had been issued for week 08-24 rather than negotiating payment of it. Audio Record at 38:10. While it is unfortunate that claimant did not fully understand the requirements to cancel his claim when deciding how to best proceed, the applicable statute and rule contain no “good cause” exception to these requirements. Therefore, because benefits were paid, claimant’s request to cancel the claim is denied.

**DECISION:** Order No. 24-UI-272161 is affirmed.

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

**DATE of Service: December 18, 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 stated above.** See ORS 657.282. For forms and information, visit <https://www.courts.oregon.gov/courts/appellate/forms/Pages/appeal.aspx> and choose the appropriate form under “File a Petition for Judicial Review.” You may also contact the Court of Appeals by telephone at (503) 986-5555, by fax at (503) 986-5560, or by mail at 1163 State Street, Salem, Oregon 97301.

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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 محكمة 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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