

EMPLOYMENT APPEALS BOARD DECISION
2024-EAB-0811

Late Application for Review Dismissed
La Aplicación Tardía Para Revisión De La Orden Judicial Es Rechazada

Este documento incluye información importante que no ha sido traducida al español. Llame a la Junta de Apelaciones de Empleo (EAB) al 503-378-2077 para obtener servicios de traducción gratuitos.¹

PROCEDURAL HISTORY: On September 22, 2022, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged, but not for misconduct, and therefore was not disqualified from receiving unemployment insurance benefits based on the work separation (decision # 145503). On October 12, 2022, decision # 145503 became final without either party having filed a request for hearing. On October 21, 2022, claimant filed a late request for hearing on decision # 145503. ALJ Kangas considered claimant's request, and on September 21, 2023 issued Order No. 23-UI-236424, dismissing claimant's request for hearing because it presented no justiciable controversy.² On October 11, 2023, Order No. 23-UI-236424 became final without claimant having filed an application for review with the Employment Appeals Board (EAB). On November 18, 2024, claimant filed a late application for review of Order No. 23-UI-236424 with EAB.

¹ This document includes important information that has not been translated into Spanish. Please call the Employment Appeals Board (EAB) at 503-378-2077 to obtain free translation services.

² The record contains a letter that claimant submitted via fax to the Office of Administrative Hearings (OAH) on September 6, 2024, in which claimant explained that they were seeking compensation for having been discharged from work. However, decision # 145503 allowed claimant benefits based on their work separation. Additionally, Department records show that the Department paid claimant the maximum allowable benefit amount for that benefit year. If claimant wishes to obtain information about their rights under employment law, information on how to find free or low-cost legal help is included at the end of this decision.

El expediente contiene una carta que la reclamante envió por fax a la Oficina de Audiencias Administrativas (OAH) el 6 de septiembre de 2024, en la que la reclamante explicó que estaba buscando compensación por haber sido despedida del trabajo. Sin embargo, la decisión número 145503 permitió a la reclamante recibir beneficios basados en su separación laboral. Además, los registros del Departamento muestran que se pagó a la reclamante la cantidad máxima permitida de beneficios para ese año de beneficios. Si la reclamante desea obtener información sobre sus derechos según la ley laboral, se incluye información sobre cómo encontrar ayuda legal gratuita o de bajo costo al final de esta decisión.

HISTORIAL PROCESAL: *El 22 de septiembre de 2022, el Departamento de Empleo de Oregon (el Departamento) mandó por correo una decisión administrativa que concluía que la reclamante fue despedida, pero no por mala conducta, y por lo tanto no estaba descalificada para recibir beneficios del seguro de desempleo basado en la separación laboral (decisión # 145503). El 12 de octubre de 2022, la decisión # 145503 se convirtió en final sin que ninguna de las partes haya solicitado una audiencia. El 21 de octubre de 2022, la reclamante presentó una solicitud tardía de audiencia sobre la decisión # 145503. ALJ Kangas consideró la solicitud de la reclamante y el 21 de septiembre de 2023 emitió la Orden No. 23-UI-236424, desestimando la solicitud de audiencia de la reclamante porque la decisión bajo revisión ya había aprobado los beneficios de la reclamante. El 11 de octubre de 2023, la Orden No. 23-UI-236424 quedó sin cambios sin que la reclamante hubiera presentado una solicitud de revisión ante la Junta de Apelaciones de Empleo (EAB). El 18 de noviembre de 2024, la reclamante presentó una solicitud tardía de revisión de la Orden No. 23-UI-236424 ante EAB.*

FINDING OF FACT: (1) Order No. 23-UI-236424, mailed to claimant on September 21, 2023, said, “You may appeal this decision by filing the attached form Application for Review with the Employment Appeals Board within 20 days of the date that this decision is mailed.” Order No. 23-UI-236424 at 2. Order No. 23-UI-236424 also stated on its Certificate of Mailing, “Any appeal from this Order must be filed on or before October 11, 2023, to be timely.”

CONCLUSIONS AND REASONS: Claimant’s late application for review of Order No. 23-UI-236424 is dismissed.

CONCLUSIONES Y RAZONES: *La aplicación tardía de la reclamante para revisar la Orden Judicial No. 23-UI-236424 es rechazada.*

An application for review is timely if it is filed within 20 days of the date that the Office of Administrative Hearings (OAH) mailed the order for which review is sought. ORS 657.270(6); OAR 471-041-0070(1) (May 13, 2019). The 20-day filing period may be extended a “reasonable time” upon a showing of “good cause.” ORS 657.875; OAR 471-041-0070(2). “Good cause” means that factors or circumstances beyond the applicant’s reasonable control prevented timely filing. OAR 471-041-0070(2)(a). A “reasonable time” is seven days after the circumstances that prevented the timely filing ceased to exist. OAR 471-041-0070(2)(b). A late application for review will be dismissed unless it includes a written statement describing the circumstances that prevented a timely filing. OAR 471-041-0070(3).

The application for review of Order No. 23-UI-236424 was due by October 11, 2023. Because claimant did not file their application for review until November 18, 2024, the application for review was late. Claimant’s application for review did not include a written statement describing the circumstances that prevented them from filing the application for review by the October 11, 2023, deadline. Accordingly, claimant did not show good cause for the late application for review, and claimant’s late application for review is dismissed.

DECISION: The application for review filed November 18, 2024 is dismissed. Order No. 23-UI-236424 remains undisturbed. *La aplicación de la reclamante archivada el 18 de noviembre de 2024 para revisar la Orden Judicial No. 23-UI-236424 es rechazada. La Orden Judicial 23-UI-236424 permanece sin cambios.*

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

DATE of Service: December 3, 2024

FECHA de Servicio: 3 de diciembre de 2024

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Visite www.oregonlawhelp.org en inglés o español para obtener información sobre cómo encontrar ayuda legal gratuita o de bajo costo en Oregon.

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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.

NOTA: Puede apelar esta decisión presentando una Petición de Revisión Judicial ante la Corte de Apelaciones de Oregon (Oregon Court of Appeals) **dentro de los 30 días siguientes a la fecha de entrega de esta decisión indicada arriba.** Vea ORS 657.282. Para obtener formularios e información, visite <https://www.courts.oregon.gov/courts/appellate/forms/Pages/appeal.aspx> y elija el formulario para “Junta de Apelaciones Laborales”. En este sitio web, hay información disponible en español. Puede solicitar un intérprete para la Corte en <https://web.courts.oregon.gov/osca/clas/CLASRequestFormRedirect.html> También puede comunicarse con la Corte de Apelaciones por teléfono al (503) 986-5555, por fax al (503) 986-5560 o por correo a 1163 State Street, Salem, Oregon 97301.

Por favor, ayúdenos a mejorar nuestro servicio completando una encuesta de servicio al cliente. Para completar la encuesta en línea, vaya a <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. Si no puede completar la encuesta en línea y desea obtener una copia impresa de la encuesta, comuníquese con nuestra oficina.



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

ទោរទៅ – ចំពោះសំណើនេះមិនមានឥទ្ធិពលដល់ការងាររបស់លោកអ្នកទេ។ បើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រេចនេះ សូមទាក់ទងគណៈកម្មការឧទ្ធរណ៍ការងារភ្លាមៗ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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