

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0845-R**

*EAB Decision 2024-EAB-0845 Vacated  
Remanded*

**PROCEDURAL HISTORY AND FINDINGS OF FACT:** On September 26, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work during the week of September 15, 2024 through September 21, 2024 (week 38-24) and was therefore ineligible to receive unemployment insurance benefits for that week (decision # L0006413384). On October 16, 2024, decision # L0006413384 became final without claimant having filed a request for hearing. On November 9, 2024, claimant filed a late request for hearing. ALJ Kangas considered the request, and on November 27, 2024, issued Order No. 24-UI-275132, dismissing the request as late, subject to claimant’s right to renew the request by responding to an appellant questionnaire by December 11, 2024.

On December 11, 2024, claimant filed a timely appellant questionnaire response and application for review of Order No. 24-UI-275132, which were forwarded to the Office of Administrative Hearings (OAH). On December 13, 2024, claimant filed an additional application for review of Order No. 24-UI-275132 with the Employment Appeals Board (EAB). On January 3, 2025, OAH mailed a letter to claimant stating that Order No. 24-UI-275132 was vacated and that a hearing would be scheduled to determine whether claimant’s late request for hearing should be allowed and, if so, the merits of decision # L0006413384. On January 14, 2025, EAB issued EAB Decision 2024-EAB-0845, affirming Order No. 24-UI-275132. On February 24, 2025, OAH notified EAB that a hearing was pending in the matter.

EAB erred by issuing the decision in this matter after OAH had vacated Order No. 24-UI-275132. This decision is therefore issued pursuant to EAB’s authority under ORS 657.290(3) to reconsider any previous decision of EAB upon its own motion.

**CONCLUSIONS AND REASONS:** EAB Decision 2024-EAB-0845 is vacated and this matter remanded to OAH for a determination of whether claimant’s late request for hearing should be allowed and, if so, the merits of decision # L0006413384.

ORS 657.290(3) authorizes the Employment Appeals Board, upon its own motion, to reconsider any previous decision of the Employment Appeals Board, including “the making of a new decision to the

extent necessary and appropriate for the correction of previous error of fact or law.” OAR 471-041-0145(1) (May 13, 2019).

On January 14, 2025, EAB issued EAB Decision 2024-EAB-0845, affirming Order No. 24-UI-275132. EAB issued this decision in response to claimant’s December 13, 2024 application for review. However, claimant had filed a timely appellant questionnaire response and application for review on December 11, 2024, which OAH had not processed when EAB began its review based on the December 13, 2024 application. OAH subsequently vacated Order No. 24-UI-275132, and a hearing in the matter is currently pending. EAB therefore lacked jurisdiction to issue EAB Decision 2024-EAB-0845. Accordingly, EAB Decision 2024-EAB-0845 is vacated, and this matter is remanded for a hearing to determine whether claimant’s late request for hearing should be allowed and, if so, the merits of decision # L0006413384.

**DECISION:** EAB Decision 2024-EAB-0845 is vacated and this matter remanded to OAH for further proceedings consistent with this decision.

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

**DATE of Service:** February 27, 2025

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Order No. 24-UI-275132 or EAB Decision 2024-EAB-0845, or return this matter to EAB. Only a timely application for review of the subsequent order will cause this matter to return to EAB.

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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**  
 Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711  
 Email: [appealsboard@employ.oregon.gov](mailto:appealsboard@employ.oregon.gov)  
 Website: [www.Oregon.gov/employ/pages/employment-appeals-board.aspx](http://www.Oregon.gov/employ/pages/employment-appeals-board.aspx)

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

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