

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0006-R

Requests for Reconsideration Dismissed

PROCEDURAL HISTORY AND FINDINGS OF FACT: On August 3, 2021, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer General Labor & Industrial Staffing Solutions (GLISS) without good cause and was disqualified from receiving benefits effective January 26, 2021 (decision # 132717). On August 18, 2021, the Department served notice of an administrative decision based partly on decision # 132717, concluding that claimant willfully made a misrepresentation and failed to report a material fact to obtain benefits, and assessing an overpayment of \$2,512 in regular unemployment insurance (regular UI) and \$4,800 in Federal Pandemic Unemployment Compensation (FPUC) benefits that claimant was required to repay, a \$1,096.80 monetary penalty, and a 48-week penalty disqualification from future benefits (“the regular UI overpayment decision”). Also on August 18, 2021, the Department served notice of an administrative decision based partly on decision # 132717, concluding that claimant willfully made a misrepresentation and failed to report a material fact to obtain benefits, and assessing an overpayment of \$4,920 in Pandemic Unemployment Assistance (PUA) and \$3,000 in FPUC benefits that claimant was required to repay, a \$1,980 monetary penalty, and a 48-week penalty disqualification from future benefits (“the PUA overpayment decision”). Claimant filed a timely request for hearing on each decision.

On October 7, 2021, notice was mailed to the parties that hearings were scheduled on decision # 132717 and the PUA overpayment decision for October 22, 2021. On October 22, 2021, claimant failed to appear at the hearings, and on October 25, 2021, ALJ Janzen issued Orders No. 21-UI-177892 and 21-UI-177893, dismissing claimant’s requests for hearing on decision # 132717 and the PUA overpayment decision due to his failure to appear. On November 15, 2021, Orders No. 21-UI-177892 and 21-UI-177893 became final without claimant having filed requests to reopen the hearings. On June 24, 2024, claimant filed late requests to reopen the October 22, 2021, hearings.

On July 8, 2024, notice was mailed to the parties that a hearing was scheduled on the regular UI overpayment decision for July 22, 2024. On July 22, 2024, claimant failed to appear at the hearing, and on July 23, 2024, ALJ Chiller issued Order No. 24-UI-259890, dismissing claimant's request for hearing on the regular UI overpayment decision due to his failure to appear. On August 10, 2024, claimant filed a timely request to reopen the July 22, 2024, hearing.

On September 12, October 4, October 24, and November 18, 2024, ALJ Chiller conducted a consolidated hearing on all three administrative decisions.¹ On December 11, 2024, ALJ Chiller issued Order No. 24-UI-276365, allowing claimant's late request to reopen the July 22, 2024 hearing and modifying the August 18, 2021 regular UI overpayment decision by concluding that claimant was overpaid \$2,512 in regular UI and \$4,800 in FPUC benefits that he was required to repay, but that he did not willfully make a misrepresentation and fail to report a material fact to obtain benefits, and was not liable for a monetary penalty or penalty disqualification. On December 12, 2024, ALJ Chiller issued Order No. 24-UI-276374, allowing claimant's request to reopen the October 22, 2021, hearing on decision # 132717 and affirming decision # 132717 on the merits. Also on December 12, 2024, ALJ Chiller issued Order No. 24-UI-276370, allowing claimant's late request to reopen the October 22, 2021 hearing on the PUA overpayment decision and modifying the August 18, 2021 PUA overpayment decision by concluding that claimant was overpaid \$4,920 in PUA and \$3,000 in FPUC benefits that he was required to repay, but that he did not willfully make a misrepresentation and fail to report a material fact to obtain benefits, and was not liable for a monetary penalty or penalty disqualification.

On December 31, 2024, claimant filed applications for review of Orders No. 24-UI-276370, 24-UI-276365, and 24-UI-276374 with the Employment Appeals Board (EAB). On January 30, 2025, EAB issued EAB Decisions 2025-EAB-0006, 2025-EAB-0007, and 2025-EAB-0008, affirming Orders No. 24-UI-276370, 24-UI-276365, and 24-UI-276374. Also on January 30, 2025, claimant filed requests for reconsideration of EAB Decisions 2025-EAB-0006, 2025-EAB-0007, and 2025-EAB-0008 with EAB.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Orders No. 24-UI-276370, 24-UI-276365, and 24-UI-276374. For case-tracking purposes, this decision is being issued in triplicate (EAB Decisions 2025-EAB-0006-R, 2025-EAB-0007-R, 2025-EAB-0008-R). This decision is issued pursuant to EAB's authority under ORS 657.290(3).

CONCLUSIONS AND REASONS: Claimant's requests for reconsideration are dismissed.

ORS 657.290(3) authorizes the Employment Appeals Board 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." "Any party may request reconsideration to correct an error of material fact or law, or to explain any unexplained inconsistency with Employment Department rule, or officially stated Employment Department position, or prior Employment

¹ Separate hearings were scheduled for each of the three administrative decisions, and those were each separately continued multiple times. However, during the October 24, 2024 hearing on the August 18, 2021 regular UI overpayment decision, the ALJ gave notice that the matters would essentially be consolidated, with the testimony from all hearings on all the administrative decisions being considered with respect to each appeal. Order No. 24-UI-276365 October 24, 2024 Transcript at 9-10. Employer GLISS appeared at only some sessions of the consolidated hearing, and employer UPS did not appear at any.

Department practice.” OAR 471-041-0145(1) (May 13, 2019). The request is subject to dismissal unless it includes a statement that a copy was provided to the other parties, and is filed on or before the 20th day after the decision sought to be reconsidered was mailed. OAR 471-041-0145(2).

Claimant’s requests for reconsideration were filed within 20 days of the date Orders No. 24-UI-276370, 24-UI-276365, and 24-UI-276374 were mailed. However, the requests for reconsideration did not include a statement that a copy was provided to the other parties as required by OAR 471-041-0145(1). Accordingly, the requests for reconsideration of EAB Decisions 2025-EAB-0006, 2025-EAB-0007, and 2025-EAB-0008 are dismissed.

DECISION: Claimant’s requests for reconsideration are dismissed. EAB Decisions 2025-EAB-0006, 2025-EAB-0007, and 2025-EAB-0008 remain undisturbed.

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

DATE of Service: March 3, 2025

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 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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