

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0019

Late Applications for Review Dismissed Without Prejudice

PROCEDURAL HISTORY AND FINDINGS OF FACT: On October 4, 2021, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was therefore disqualified from receiving unemployment insurance benefits effective July 25, 2021 (decision # 134617). On October 25, 2021, decision # 134617 became final without claimant having filed a request for hearing. On May 6, 2022, the Department served notice of an administrative decision, based in part on decision # 134617, concluding that claimant received benefits to which they were not entitled and assessing an overpayment of \$316 in regular unemployment insurance benefits and \$300 in Federal Pandemic Unemployment Compensation (FPUC) benefits that claimant was required to repay to the Department (decision # 114745). On May 26, 2022, decision # 114745 became final without claimant having filed a request for hearing. On April 4, 2023, claimant filed a late request for hearing on each decision.

ALJ Kangas considered the requests, and on August 10, 2023 issued Orders No. 23-UI-232923 and 23-UI-232932, dismissing claimant's requests for hearing on decisions # 134617 and 114745, respectively, as late, subject to claimant's right to renew the requests by responding to an appellant questionnaire by August 24, 2023. On August 30, 2023, Orders No. 23-UI-232923 and 23-UI-232932 became final without claimant having filed an appellant questionnaire response or applications for review with the Employment Appeals Board (EAB). On December 30, 2024, claimant filed late applications for review of Orders No. 23-UI-232923 and 23-UI-232932 with EAB.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Orders No. 23-UI-232923 and 23-UI-232932. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2025-EAB-0018 and 2025-EAB-0019).

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is the statement included with claimant's late applications for review and has been marked as EAB Exhibit 1, and a copy provided to the parties with this decision. Any party that objects to our admitting EAB Exhibit 1 must submit such objection to this office in writing, setting forth the basis of the objection in writing, within ten days of

our mailing this decision. OAR 471-041-0090(2). Unless such objection is received and sustained, the exhibit will remain in the record.

CONCLUSIONS AND REASONS: Claimant's late applications for review are dismissed without prejudice.

On December 30, 2024, claimant filed applications for review of Orders No. 23-UI-232923 and 23-UI-232932 with EAB. ORS 657.270(6) and ORS 657.270(7)(b) required the applications for review to be filed no later than August 30, 2023. Claimant's applications for review are late and are therefore dismissed.

The deadline for filing an application for review may be extended a reasonable time if the applicant can show they have good cause to extend the deadline. *See* ORS 657.875; OAR 471-041-0070 (May 13, 2019). If claimant believes they have good cause and filed their late applications for review within a reasonable time, claimant may ask EAB to reconsider these decisions 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. Claimant must file the request for reconsideration by **February 13, 2025**, *and*
2. Claimant must state in the request for reconsideration that they sent a copy of the request to the other party, *and*
3. Claimant must provide additional specific details about the reason they filed the late applications for review. For example, claimant should include specific information about the date they received the ALJ's Orders No. 23-UI-232923 and 23-UI-232932, whether they read and disagreed with them, and how they were prevented from filing their applications for review by August 30, 2023. Claimant should include specific details that might help EAB determine whether or not claimant had "good cause," which means factors or circumstances beyond their reasonable control prevented them from filing a timely application for review, *and*
4. Claimant must provide the date the circumstances that prevented them from filing a timely application for review ended (the circumstances they listed in response to #3, above), *and*
5. Claimant must provide sufficient information to prove that they filed their application for review within **seven** days of the date the circumstances that prevented them from filing a timely application for review ended.

There are several ways to file a 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 December 30, 2024 are dismissed without prejudice. Orders No. 23-UI-232923 and 23-UI-232932 remain undisturbed.

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

DATE of Service: January 24, 2025

NOTE: To help meet the requirements of a request for reconsideration, please return the attached questionnaire to EAB by February 13, 2025. Additionally, copies of Orders No. 23-UI-232923 and 23-UI-232932 are included with these decisions, and **claimant should complete the appellant questionnaires attached to those orders, explaining why requests for hearing on decisions # 134617 and 114745 were not filed by their respective deadlines of October 25, 2021 and May 26, 2022.**

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.

LATE APPLICATION FOR REVIEW QUESTIONNAIRE

Please provide information about the ALJ's Orders No. 23-UI-232923 and 23-UI-232932, mailed to you on August 10, 2023. Applications for review of those orders were due by August 30, 2023. You filed your applications for review on December 30, 2024.

This questionnaire is asking for information **only** about the ALJ's Orders No. 23-UI-232923 and 23-UI-232932. This questionnaire is **not** asking for information about the underlying administrative decisions in this case, decisions # 134617 and 114745, **but you should also complete the enclosed appellant questionnaires attached to Orders No. 23-UI-232923 and 23-UI-232932 to explain why the requests for hearing on decisions # 134617 and 114745 were filed late.**

Important: Answers must be mailed, faxed, or emailed to EAB by February 13, 2025. Mail to: **Employment Appeals Board, 875 Union St NE, Salem, Oregon 97311**, Fax to: **503-378-2129**, or Email to: **OED_EAB_OFFICE@employ.oregon.gov**

1. On what date (mm/dd/yy) did you receive the ALJ's Orders No. 23-UI-232923 and 23-UI-232932?

2. On what date (mm/dd/yy) did you file your applications for review of the ALJ's Orders No. 23-UI-232923 and 23-UI-232932 with EAB?

3. How did you file your applications for review of the ALJ's Orders No. 23-UI-232923 and 23-UI-232932?
☐ Email ☐ Mail ☐ Fax ☐ EAB's Website

☐ Other: _____

4. If you believe you filed your applications for review before the August 30, 2023 deadline stated in the ALJ's Orders No. 23-UI-232923 and 23-UI-232932, what evidence do you have to show that you filed your applications for review before the deadline? You may attach copies of any documents that will help show this.

5. If you believe you had “good cause” for filing your applications for review late, what were the circumstances that prevented you from filing your applications for review by August 30, 2023?
6. When did those circumstances begin?
7. How did those circumstances prevent you from filing your applications for review by August 30, 2023?
8. On what date (mm/dd/yy) did the circumstances that prevented you from filing your applications for review by August 30, 2023 end?
9. What prompted you to file your applications for review on December 30, 2024, and not earlier?
10. If you did not receive Orders No. 23-UI-232923 and 23-UI-232932, what do you think was the cause? How and when did you become aware that the orders had been issued if you did not receive them? Did you move after April 4, 2023 and, if so, did you keep your address updated with the Department or the Office of Administrative Hearings?

Important: The requests for reconsideration are subject to dismissal unless the party indicates below that they provided copies of the requests for reconsideration to the other parties.

☐ I provided copies of my requests for reconsideration to the other party or parties to this case.

I sent copies of my requests for reconsideration to the other party or parties by:

☐ Email ☐ Mail ☐ Fax ☐ Personal Delivery

☐ Other: _____

I sent the copies of my requests for reconsideration to the other party or parties on this date (specify date):

☐ I understand that my requests for reconsideration are subject to dismissal unless they are filed by February 13, 2025.

I filed my requests for reconsideration on: _____.

Important: Answers must be mailed, faxed, or emailed to EAB by February 13, 2025. Mail to: **Employment Appeals Board, 875 Union St NE, Salem, Oregon 97311**, Fax to: **503-378-2129**, or Email to: **OED_EAB_OFFICE@employ.oregon.gov**



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.

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

Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

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