

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0019-R

EAB Decision 2025-EAB-0018 ~ Request for Reconsideration Dismissed
EAB Decision 2025-EAB-0019 ~ Request for Reconsideration Allowed
EAB Decision 2025-EAB-0019 Adhered to on Reconsideration
Late Applications for Review Dismissed

PROCEDURAL HISTORY: On October 4, 2021, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit work without good cause and was disqualified from receiving 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 and \$300 in Federal Pandemic Unemployment Compensation (FPUC) benefits that claimant was required to repay (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 the requests 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 an application 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.

On January 24, 2025, EAB issued EAB Decisions 2025-EAB-0018 and 2025-EAB-0019, dismissing claimant's late applications for review of Orders No. 23-UI-232923 and 23-UI-232932 without prejudice, subject to claimant's right to request reconsideration. On January 27, 2025, claimant filed requests for reconsideration of EAB Decisions 2025-EAB-0018 and 2025-EAB-0019. 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-R and 2025-EAB-0019-R).

FINDINGS OF FACT: (1) On August 10, 2023, Order No. 23-UI-232932 was mailed to claimant's address of record on file with the Office of Administrative Hearings (OAH). Order No. 23-UI-232932 stated, "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-232932 at 2. Order No. 23-UI-232932 also stated on its Certificate of Mailing, "Any party may appeal this Order by filing a Request for Review with the Employment Appeals Board no later than August 30, 2023."

(2) On December 30, 2024, claimant filed a late application for review of Order No. 23-UI-232932 with EAB.

(3) On January 24, 2025, EAB issued EAB Decisions 2025-EAB-0018 and 2025-EAB-0019.

(4) On January 27, 2025, claimant filed requests for reconsideration of EAB Decisions 2025-EAB-0018 and 2025-EAB-0019.

CONCLUSIONS AND REASONS: Claimant's request for reconsideration of EAB Decision 2025-EAB-0018 is dismissed. Claimant's late application for review of Order No. 23-UI-232923 therefore is dismissed, and Order No. 23-UI-232923 remains undisturbed. Claimant's request for reconsideration of EAB Decision 2025-EAB-0019 is allowed. However, EAB Decision 2025-EAB-0019 is adhered to on reconsideration. Claimant's late application for review of Order No. 23-UI-232932 therefore is dismissed, and Order No. 23-UI-232932 remains undisturbed.

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 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).

EAB Decision 2025-EAB-0018. Claimant's request for reconsideration of EAB Decision 2025-EAB-0018 was filed within 20 days of the date that decision was mailed, but did not include a statement that a copy of the request was provided to the employer. Accordingly, under OAR 471-041-0145(2), the request for reconsideration of EAB Decision 2025-EAB-0018 is dismissed. Claimant's late application for review of Order No. 23-UI-232923 therefore is dismissed, and Order No. 23-UI-232923 remains undisturbed.

EAB Decision 2025-EAB-0019. Claimant's request for reconsideration of EAB Decision 2025-EAB-0019 was filed within 20 days of the date that decision was mailed, and the employer was not a party to that matter. Therefore, the request met the threshold requirements for consideration, and is allowed.

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-232932 was due by August 30, 2023. Because claimant’s application for review was filed on December 30, 2024, it was late. Claimant did not explain in the request for reconsideration why their application for review of Order No. 23-UI-232932 was filed late, instead addressing only their disagreement with the merits of the work separation administrative decision. The late application for review contained a statement describing difficulties accessing Frances Online in December 2024, but this does not explain why claimant was prevented from filing an application for review by the August 30, 2023 deadline. *See* Exhibit 1 at 1. Accordingly, good cause has not been shown to extend the filing deadline, and the late application for review is subject to dismissal. EAB Decision 2025-EAB-0019 therefore is adhered to on reconsideration. Claimant’s late application for review of Order No. 23-UI-232932 therefore is dismissed, and Order No. 23-UI-232932 remains undisturbed.

For these reasons, claimant’s request for reconsideration of EAB Decision 2025-EAB-0018 is dismissed. Claimant’s late application for review of Order No. 23-UI-232923 therefore is dismissed, and Order No. 23-UI-232923 remains undisturbed. Claimant’s request for reconsideration of EAB Decision 2025-EAB-0019 is allowed. However, EAB Decision 2025-EAB-0019 is adhered to on reconsideration. Claimant’s late application for review of Order No. 23-UI-232932 therefore is dismissed, and Order No. 23-UI-232932 remains undisturbed.

DECISION: Claimant’s request for reconsideration of EAB Decision 2025-EAB-0018 is dismissed. Claimant’s request for reconsideration of EAB Decision 2025-EAB-0019 is allowed. However, EAB Decision 2025-EAB-0019 is adhered to on reconsideration.

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

DATE of Service: February 27, 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 محكمة الاستئناف بأوريغون و ذلك باتباع 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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