

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0027

Application for Review Dismissed

PROCEDURAL HISTORY AND FINDINGS OF FACT: On November 22, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant, but not for misconduct, and therefore claimant was not disqualified from receiving unemployment insurance benefits based on the work separation (decision # L0007286847). Claimant filed a timely request for hearing. On December 30, 2024, ALJ Kangas issued Order No. 24-UI-278329, dismissing claimant's hearing request because decision # L0007286847 was favorable to claimant and therefore claimant's hearing request did not present a justiciable controversy. On January 10, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB considered claimant's argument. In it, claimant states as follows:

I am filing an appeal because I am not receiving any benefits every time I file a weekly claim it is denied. I have not received any checks except one. No one is getting in touch with me I have emailed several times and try to call and get disconnected. Please look into my account and find out why I am not receiving any benefits.

The administrative decision at hand, decision # L0007286847, is not responsible for claimant's denial of weekly claims for benefits. Decision # L0007286847 concluded that the employer discharged claimant, but not for misconduct, and therefore claimant was not disqualified from receiving benefits based on the work separation.

Department records show that the source of claimant's continuing denial of weekly claims for benefits may be related to two administrative decisions issued to claimant on November 19, 2024. Specifically, the decisions are (1): a failure to complete work registration requirements decision, **Letter ID L0007270214**, and (2) a failure to complete identification requirements decision, **Letter ID**

L0007315036. The decisions deny claimant benefits beginning November 10, 2024 and are effective until the reasons for the denials end.¹

To cause the denials to end and to receive benefits *for future weeks*, claimant may wish to visit their local WorkSource office to complete their work registration requirements and verify their identity.

To attempt to receive benefits *for the weeks already denied* by the decisions, claimant may wish to file late requests for hearing on the decisions. Claimant may request hearings on the decisions in one of the following ways:

- Use Frances Online at frances.oregon.gov
- Call the Department at 503-947-3149 or 877-345-3484
- In person at an Oregon Employment Department WorkSource Oregon office. Locations can be found at worksourceoregon.org/centers
- Mail your request to:
Hearings
875 Union St NE
Salem, OR 97301

Please have the following information ready for your hearing request on the decisions:

- The letter ID listed in the decision you are appealing (provided above in **highlight**)
- Your Social Security Number (SSN) or Customer Identification Number (CID)
- Information that may help the Department understand the reason you believe the decisions are wrong
- Specific dates or times you are not available for a hearing

Filing hearing requests on the two decisions does not guarantee claimant will prevail and actually receive benefits for the weeks already denied by the decisions. However, if claimant does appeal the decisions, shows good cause for filing the appeals late, and prevails on the merits of both decisions, it may be possible to receive benefits for some or all of the weeks already denied.

Claimant should continue making weekly claims for benefits for each week they wish to receive benefits and contact the Department if they have any questions.

CONCLUSIONS AND REASONS: Claimant's application for review of Order No. 24-UI-278329 presents no justiciable controversy and is dismissed.

On January 10, 2025, claimant filed with EAB an application for review of an order that was fully favorable to claimant. Oregon courts follow the principle that a review on appeal may only be provided for justiciable controversies. *See, e.g., Gortmaker v. Seaton*, 252 Or. 440, 442, 450 P.2d 547 (1969). A justiciable controversy exists when the interests of the parties to the action conflict with each other, and the appeal will have some practical effect on the rights of the parties to the controversy. *Barcik v. Kubiacyk*, 321 Or 174, 895 P2d 765 (1995). To show a practical effect on their rights, an appellant must

¹ EAB has taken notice of the facts contained in this paragraph, which are contained in Employment Department records. OAR 471-041-0090(1) (May 13, 2019). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the noticed facts will remain in the record.

seek “substantive relief” through their appeal. *Krisor v. Henry*, 256 Or. App. 56, 300 P.3d 199 (Or. Ct. App. 2013).

Claimant did not assign error to any portion of Order No. 24-UI-278329, did not request reversal of any portion of the order, and alleged no facts entitling claimant to further relief in this matter. Because EAB’s review of this matter could not provide substantive relief to the appellant, such review would have no practical effect on the appellant’s rights. Accordingly, there is no justiciable controversy before EAB based upon claimant’s application for review. Because the case before EAB presents no justiciable controversy, the application for review of Order No. 24-UI-278329 is dismissed and Order No. 24-UI-278329 remains undisturbed.

DECISION: The application for review filed January 10, 2025 is dismissed. Order No. 24-UI-278329 remains undisturbed.

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

DATE of Service: January 31, 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.

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.



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

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Email: appealsboard@employ.oregon.gov

Website: 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.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.