

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0099

Late Applications for Review Dismissed without Prejudice

PROCEDURAL HISTORY: On March 28, 2022, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause and was disqualified from receiving benefits effective July 14, 2019 (decision # 65600). On April 18, 2022, decision # 65600 became final without claimant having filed a request for hearing.

On July 1, 2022, claimant filed a late request for hearing on decision # 65600. ALJ Kangas considered claimant's request for hearing on decision # 65600, and on October 11, 2022 issued Order No. 22-UI-204779, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by October 25, 2022. On October 31, 2022, Order No. 22-UI-204779 became final without claimant having filed a response to the appellant questionnaire or application for review with the Employment Appeals Board (EAB).

On November 1, 2022, the Department served notice of an administrative decision based partly on decision # 65600, concluding that claimant willfully made a misrepresentation and failed to report a material fact to obtain benefits, and assessing a \$14,756 overpayment of benefits that claimant was required to repay, a \$2,213.40 monetary penalty, and a 52-week penalty disqualification from future benefits (decision # 205110). On November 21, 2022, decision # 205110 became final without claimant having filed a request for hearing.

On November 30, 2022, claimant filed a late request for hearing on decision # 205110. ALJ Kangas considered claimant's request for hearing on decision # 205110, and on April 4, 2023 issued Order No. 23-UI-220920, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by April 18, 2023. On April 24, 2023, Order No. 23-UI-220920 became final without claimant having filed a response to the appellant questionnaire or application for review with EAB.

On February 16, 2025, claimant sent an email to EAB that EAB construed as late applications for review of Orders No. 22-UI-204779 and 23-UI-220920. EAB combined its review of Orders No. 22-UI-204779

and 23-UI-220920 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2025-EAB-0098 and 2025-EAB-0099).

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is claimant’s written statement submitted with their applications for review. The written statement is 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 send the objection to EAB in writing, explaining 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 of Orders No. 22-UI-204779 and 23-UI-220920 are dismissed without prejudice.

On February 16, 2025, claimant filed applications for review of Orders No. 22-UI-204779 and 23-UI-220920 with EAB. ORS 657.270(6) and ORS 657.270(7)(b) required the application for review of Order No. 22-UI-204779 to be filed no later than October 31, 2022, and the application for review of Order 23-UI-220920 to be filed no later than April 24, 2023. Claimant’s applications for review are therefore late, and the applications for review are 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 this decision 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 April 3, 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 more specific details about the reason they filed *late* applications for review. For example, claimant should include specific information about the date they received the ALJ’s Orders No. 22-UI-204779 and 23-UI-220920, whether they read and disagreed with them, and how they were prevented from filing their applications for review of Orders No. 22-UI-204779 and 23-UI-220920 by October 31, 2022 and April 24, 2023, respectively. Claimant should include specific details that might help EAB decide whether or not claimant had “good cause,” which means factors or circumstances beyond their reasonable control prevented them from filing timely applications for review of the orders, *and*
4. Claimant must provide the date the circumstances that prevented them from filing timely applications 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 applications for review within **seven** days of the date the circumstances that prevented them from filing timely applications 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 appealsboard@employ.oregon.gov, *or*
3. Send the request by U.S. mail or another delivery service, addressed to Employment Appeals Board, 875 Union St NE, Salem, Oregon 97311, *or*
4. Send EAB a fax at 503-378-2129.

Please note that you need only file *one* request for reconsideration.

DECISION: The applications for review filed February 16, 2025 are dismissed without prejudice. Orders No. 22-UI-204779 and 23-UI-220920 remain undisturbed.

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

DATE of Service: March 14, 2025

NOTE: To help meet the requirements of a request for reconsideration, please return the attached questionnaire to EAB by April 3, 2025.

LATE APPLICATIONS FOR REVIEW TO EAB - QUESTIONNAIRE

Please provide information about the ALJ's Order No. 22-UI-204779 mailed to you on October 11, 2022, and the ALJ's Order 23-UI-220920 mailed to you on April 4, 2023. An application for review of Order No. 22-UI-204779 was due by October 31, 2022. An application for review of Order 23-UI-220920 was due by April 24, 2023. Our records show you filed your applications for review with EAB on February 16, 2025.

This questionnaire is asking for information **only** about the ALJ's Orders No. 22-UI-204779 and 23-UI-220920. This questionnaire is **not** asking for information about the underlying administrative decisions in the cases, decisions # 65600 and 205110. Claimant should provide details about the reason(s) they filed late applications for review of Orders No. 22-UI-204779 and 23-UI-220920 with EAB, and **not the reason(s) that they may have filed late requests for hearing on decisions # 65600 and 205110.**

Important: Answers must be mailed, faxed, or emailed to EAB by April 3, 2025. Mail to: **Employment Appeals Board, 875 Union St NE, Salem, Oregon 97311**, Fax to: **503-378-2129**, or Email to: **appealsboard@employ.oregon.gov**

1. On what date (mm/dd/yy) did you receive the ALJ's Order No. 22-UI-204779?

On what date (mm/dd/yy) did you receive the ALJ's Order No. 23-UI-220920?

2. On what date (mm/dd/yy) did you file your applications for review of the ALJ's Orders No. 22-UI-204779 and 23-UI-220920 with EAB?
3. How did you file your applications for review of the ALJ's Orders No. 22-UI-204779 and 23-UI-220920?
☐ Email ☐ Mail ☐ Fax ☐ EAB's Website

☐ Other: _____
4. If you believe you filed your application for review of the ALJ's Order No. 22-UI-204779 before the October 31, 2022 deadline stated in that order, what information do you have to show that you filed your application for review before that deadline? You may attach copies of any documents that will help show this.

If you believe you filed your application for review of the ALJ's Order No. 23-UI-220920 before the April 24, 2023 deadline stated in that order, what information do you have to show that you filed your application for review before that deadline? You may attach copies of any documents that will help show this.

5. If you believe you had "good cause" for filing your application for review of Order No. 22-UI-204779 late, what were the circumstances that prevented you from filing your application for review of that order by October 31, 2022?

If you believe you had "good cause" for filing your application for review of Order No. 23-UI-220920 late, what were the circumstances that prevented you from filing your application for review of that order by April 24, 2023?

6. When did the circumstances the circumstances begin that prevented you from filing your application for review of Order No. 22-UI-204779 by October 31, 2022?

When did the circumstances the circumstances begin that prevented you from filing your application for review of Order No. 23-UI-220920 by April 24, 2023?

7. How did those circumstances prevent you from filing your application for review of Order No. 22-UI-204779 by October 31, 2022?

How did those circumstances prevent you from filing your application for review of Order No. 23-UI-220920 by April 24, 2023?

8. On what date (mm/dd/yy) did the circumstances end that prevented you from filing your application for review of Order No. 22-UI-204779 by October 31, 2022?

On what date (mm/dd/yy) did the circumstances end that prevented you from filing your application for review of Order No. 23-UI-220920 by April 24, 2023?

9. What prompted you to file your applications for review of Orders No. 22-UI-204779 and 23-UI-220920 on February 16, 2025, and not earlier?
10. Department records show that you called the Department on October 26, 2022 and stated that your late appeal was dismissed, an apparent reference to the effect of the ALJ's Order No. 22-UI-204779. Had you received the ALJ's Order No. 22-UI-204779 when you called the Department on October 26, 2022? If you had received it when you called the Department on October 26, 2022, why did you fail to file an application for review by that order's October 31, 2022 deadline?

Important: The request for reconsideration is subject to dismissal unless the party indicates below that they provided a copy of the request for reconsideration to the other parties.

☐ I provided a copy of my request for reconsideration to the other party or parties to this case.

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

☐ Email ☐ Mail ☐ Fax ☐ Personal Delivery

☐ Other: _____

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

☐ I understand that my request for reconsideration is subject to dismissal unless it is filed by April 3, 2025.

I filed my request for reconsideration on: _____.

Important: Answers must be mailed, faxed, or emailed to EAB by April 3, 2025. Mail to: **Employment Appeals Board, 875 Union St NE, Salem, Oregon 97311**, Fax to: **503-378-2129**, or Email to: **appealsboard@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 دستورالعمل 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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