

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0164

Late Applications for Review Dismissed

PROCEDURAL HISTORY: On May 20, 2024, the Oregon Employment Department (the Department) served notice of a Wage and Potential Benefit Report (WPBR) concluding that claimant had a monetarily valid claim with a weekly benefit amount of \$196 and a maximum benefit amount of \$5,096 (decision # L0004095021). On May 30, 2024, decision # L0004095021 became final without claimant having filed a request for hearing. On May 31, 2024, claimant filed a late request for hearing on decision # L0004095021. ALJ Scott considered claimant's request, and on October 15, 2024, issued Order No. 24-UI-269369, 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 29, 2024. On November 4, 2024, Order No. 24-UI-269369 became final without claimant having filed a response to the appellant questionnaire or an application for review with the Employment Appeals Board (EAB).

On June 3, 2024, the Department served notice of an administrative decision concluding that claimant had failed to verify their identity in accordance with the Department's rules, and therefore was ineligible for benefits effective May 26, 2024 (decision # L0004365381).¹ On June 24, 2024, decision # L0004365381 became final without claimant having filed a request for hearing. On June 25, 2024, claimant filed a late request for hearing on decision # L0004365381. ALJ Kangas considered claimant's request, and on July 2, 2024, issued Order No. 24-UI-257886, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by July 16, 2024. On July 22, 2024, Order No. 24-UI-257886 became final without claimant having filed a response to the appellant questionnaire or an application for review with EAB.

On June 11, 2024, the Department served notice of an administrative decision allowing claimant's request to backdate their initial claim to May 5, 2024 (decision # L0004602607). On June 17, 2024, the Department served notice of an administrative decision concluding that claimant was ineligible for Self-Employment Assistance (SEA) benefits for the week of June 2, 2024, through June 8, 2024 (week 23-

¹ Decision # L0004365381 stated that claimant was denied benefits effective May 31, 2024. This date appears to be error, however, as May 31, 2024, was a Friday, and benefit denials begin on the Sunday of the effective week. As such, it is presumed that the Department intended to deny claimant benefits effective May 26, 2024.

24) (decision # L0004646845). Claimant filed timely requests for hearing on decisions # L0004602607 and L0004646845.

On October 11, 2024, the Office of Administrative Hearings (OAH) served notices of hearings on decisions # L0004602607 and L0004646845, both scheduled on November 5, 2024. On November 5, 2024, claimant failed to appear at the hearings, and ALJ Christon issued Orders No. 24-UI-272164 and 24-UI-272167, dismissing claimant's requests for hearing on decisions # L0004602607 and L0004646845, respectively, due to claimant's failure to appear. On November 25, 2024, Orders No. 24-UI-272164 and 24-UI-272167 became final without claimant having filed requests to reopen the hearings or applications for review with EAB. On January 2, 2025, claimant filed late requests to reopen the hearings on decisions # L0004602607 and L0004646845. ALJ Scott considered claimant's requests, and on January 31, 2025, issued Orders No. 25-UI-281655 and 25-UI-281722, denying claimant's reopen requests on decisions # L0004602607 and L0004646845, respectively, as late without good cause, and leaving Orders No. 24-UI-272164 and 24-UI-272167, respectively, undisturbed. On February 20, 2025, Orders No. 25-UI-281655 and 25-UI-281722 became final without claimant having filed applications for review with EAB.

On March 11, 2025, claimant filed late applications for review of Orders No. 24-UI-269369, 24-UI-257886, 25-UI-281655, and 25-UI-281722.

EAB combined its review of Orders No. 24-UI-269369, 24-UI-257886, 25-UI-281655, and 25-UI-281722 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in quadruplicate (EAB Decisions 2025-EAB-0161, 2025-EAB-0164, 2025-EAB-0163, and 2025-EAB-0160).

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence consists of claimant's written statement enclosed with the late applications for review, has been marked as EAB Exhibit 1, and provided to the parties with this decision. Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, saying 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 exhibit will remain in the record.

FINDING OF FACT: (1) Order No. 24-UI-257886, mailed to claimant on July 2, 2024, 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. 24-UI-257886 at 2. Order No. 24-UI-257886 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 July 22, 2024."

(2) Order No. 24-UI-269369, mailed to claimant on October 15, 2024, 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. 24-UI-269369 at 2. Order No. 24-UI-269369 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 November 4, 2024."

(3) Order No. 25-UI-281722, mailed to claimant on January 31, 2025, 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. 25-UI-281722 at 4. Order No. 25-UI-281722 also stated on its Certificate of Mailing, “Any appeal from this Order must be filed on or before February 20, 2025, to be timely.”

(4) Order No. 25-UI-281655, mailed to claimant on January 31, 2025, 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. 25-UI-281655 at 4. Order No. 25-UI-281655 also stated on its Certificate of Mailing, “Any appeal from this Order must be filed on or before February 20, 2025, to be timely.”

CONCLUSIONS AND REASONS: Claimant’s late applications for review of Orders No. 24-UI-269369, 24-UI-257886, 25-UI-281655, and 25-UI-281722 are dismissed.

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 applications for review of Order No. 24-UI-257886 and 24-UI-269369 were due by July 22, 2024, and November 4, 2024, respectively. The applications for review of Orders No. 25-UI-281722 and 25-UI-281655 were both due by February 20, 2025. Because claimant did not file their applications for review on any of the above orders until March 11, 2025, the applications for review were late. Claimant provided a written statement with the applications for review. However, claimant’s written statement did not describe the circumstances that prevented them from filing the applications for review on time. Accordingly, claimant did not show good cause for the late applications for review, and claimant’s late applications for review are dismissed.

DECISION: The applications for review filed March 11, 2025 are dismissed. Orders No. 24-UI-269369, 24-UI-257886, 25-UI-281655, and 25-UI-281722 remain undisturbed.

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

DATE of Service: April 9, 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 تأثیر 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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