

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0211**

*Application for Review Dismissed*

**PROCEDURAL HISTORY:** On October 25, 2024, 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 September 29, 2024 (decision # L0006852425).<sup>1</sup> Claimant filed a timely request for hearing. On March 20, 2025, ALJ Bender conducted a hearing at which the employer failed to appear, and on March 28, 2025, issued Order No. 25-UI-287683, reversing decision # L0006852425 by concluding that claimant quit work with good cause and was not disqualified from receiving benefits based on the work separation. On April 6, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

**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 explanation for filing an application for review of an order fully favorable to her, claimant's combined April 9, 2025, and April 11, 2025, requests to withdraw the application for review, and three administrative decisions not directly related to the present appeal (decisions # L0006908326, L0006956776, and L0010109093). These documents have been marked as EAB Exhibits 1, 2, 3, 4, and 5, respectively, 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 exhibits will remain in the record.

<sup>1</sup> Decision # L0006852425 stated that claimant was denied benefits from September 29, 2024 to September 27, 2025. However, decision # L0006852425 should have stated that claimant was disqualified from receiving benefits beginning Sunday, September 29, 2024 and until she earned four times her weekly benefit amount. See ORS 657.176.

Claimant explained in her statement that she filed the application for review not because she disagreed with Order No. 25-UI-287683, but because she believed the Department was “failing to properly implement” the order’s conclusions. EAB Exhibit 1 at 1. This belief was based, in part, on the Department’s failure to pay claimant benefits for the weeks of October 13, 2024, through April 5, 2025 (weeks 42-24 through 14-25) following the issuance of Order No. 25-UI-287683. It was also based, in part, on the Department erroneously generating an administrative decision on March 31, 2025 (decision # L0010006001), which purported to amend decision # L0006852425 despite it having been reversed after hearing by Order No. 25-UI-287683, though its conclusions were identical to those in decision # L0006852425. *See* EAB Exhibit 1 at 1. The Department later told claimant, without issuing another administrative decision, that decision # L0010006001 had been issued in error and should be disregarded. *See* EAB Exhibit 1 at 1. The Department’s records reflect that its computer system was accurately updated with the conclusions of Order No. 25-UI-287683 and claimant is not disqualified from receiving benefits for any week based on the work separation from Make a Wish Foundation of America.

Regarding the Department’s failure to pay benefits for weeks 42-24 through 14-25, there are several reasons for this that are unrelated to the work separation at issue in the matter currently before EAB. EAB therefore has no jurisdiction to consider the merits of these other issues. However, they are discussed here briefly to aid claimant’s understanding.

On October 29, 2024, the Department issued two administrative decisions. Decision # L0006908326 concluded that claimant failed to register for work in accordance with the Department’s rules and was therefore ineligible to receive unemployment insurance benefits effective October 20, 2024 (week 42-24) and until the reason for the denial ends. EAB Exhibit 3 at 1-3. Decision # L0006956776 concluded that claimant failed to provide information to verify her identity and was therefore ineligible to receive unemployment insurance benefits effective October 20, 2024 (week 42-24) and until the reason for the denial ends. EAB Exhibit 4 at 1-3. These decisions became final without claimant having filed requests for hearing on them.

Additionally, Department records do not show that continuing weekly claims were filed for the weeks of October 13, 2024, through March 22, 2025 (weeks 42-24 through 12-25). The records show that on March 23, 2025, claimant requested to file backdated weekly claims for those benefit weeks. On April 8, 2025, decision # L0010109093 was issued, denying claimant’s request.<sup>2</sup> EAB Exhibit 5 at 1-3. Benefits cannot be paid for any week if a claim for that week has not successfully been filed.<sup>3</sup>

To receive benefits for *future* weeks, claimant must register for work and verify her identity in accordance with the Department’s rules to end the indefinite periods of ineligibility imposed by

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<sup>2</sup> Decision # L0010109093 erroneously stated that claimant requested to backdate the claims to April 13, 2025, which is in the future. However, notes on her account show the correct date of October 13, 2024 as the start of the backdate request.

<sup>3</sup> OAR 471-030-0045(2) (January 11, 2018) provides, “A claimant, in order to obtain benefits, waiting week credit, or non-compensable credit for a week of unemployment, must file a continued claim for the week by any method approved by the Director.”

decisions # L0006908326 and L0006956776.<sup>4</sup> To pursue the payment of benefits for *past* weeks, including weeks 42-24 through 14-25, claimant may additionally file a request for hearing on decision # L0010109093, and late requests for hearing on decisions # L0006908326 and L0006956776, if she disagrees with those decisions, as she is not entitled to receive benefits for those weeks unless all three administrative decisions are reversed on appeal or amended by the Department.<sup>5</sup> Claimant may follow the instructions on the administrative decisions to file a request for hearing set out in EAB Exhibits 3-5 by requesting a hearing using Frances Online at frances.oregon.gov, contacting the Department at 503-947-3149 or 877-345-3484, or by going in person to a WorkSource Oregon office.

The rest of this decision addresses claimant's request to withdraw her application for review of Order No. 25-UI-287683. *See* EAB Exhibit 2 at 1-2.

**FINDING OF FACT:** (1) On April 9, 2025, claimant sent an email to EAB asking to withdraw her application for review of Order No. 25-UI-287683.

**CONCLUSIONS AND REASONS:** Claimant's application for review is dismissed.

OAR 471-041-0098 (October 29, 2006) provides that an applicant's written request to withdraw an application for review will be allowed unless the request is received after EAB's decision has been issued.

On April 9, 2025, EAB received a written request, by email, in which claimant withdrew the application for review of Order No. 25-UI-287683. EAB had not yet issued a decision. Under OAR 471-041-0098, claimant's request to withdraw the application for review is allowed.

**DECISION:** The application for review filed April 6, 2025 is dismissed. Order No. 25-UI-287683 remains undisturbed.

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

**DATE of Service:** April 11, 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

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<sup>4</sup> Claimant should do this as soon as possible, regardless of whether she also chooses to request hearings on the administrative decisions, because she remains ineligible for benefits until she does so. Local WorkSource offices can often assist with work registration and identity verification.

<sup>5</sup> Decision # L0006852425 (the work separation administrative decision currently before EAB) stated, "There may be other issues affecting your ability for benefits, and you may receive separate decisions that affect your claim . . . If there are other decisions affecting your ability for benefits, you must appeal those decisions separately. . . Continue to turn in your claim for weekly benefits during the appeal process." Decision # L0006852425 at 2-3. Additionally, the claimant handbook states, "If you appeal an administrative decision, continue to file for benefits each week. If the appeal is decided in your favor, you will be paid only for those weeks you claimed on time and met all other eligibility requirements." UI Pub. 350 (November 2024) at 28.

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 دستورالعمل 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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