

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0233

Late Applications for Review Dismissed Without Prejudice

PROCEDURAL HISTORY AND FINDINGS OF FACT: On September 22, 2021, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not able to work from March 28, 2021 through August 28, 2021 (weeks 13-21 through 34-21) and was not eligible for benefits for those weeks (decision # 85938). On October 12, 2021, decision # 85938 became final without claimant having filed a request for hearing. On July 14, 2022, the Department served notice of an administrative decision based partly on decision # 85938, concluding that claimant received benefits to which they were not entitled, and assessing an overpayment of \$3,528 in regular unemployment insurance (regular UI) benefits and \$6,300 in Federal Pandemic Unemployment Compensation (FPUC) that claimant was required to repay (decision # 134726). On August 3, 2022, decision # 134726 became final without claimant having filed a request for hearing.

On January 24, 2025, claimant filed late requests for hearing on decisions # 85938 and 134726. ALJ Kangas considered claimant's request for hearing on decision # 85938, and on February 4, 2025, issued Order No. 25-UI-281873, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by February 18, 2025. On February 19, 2025, claimant filed a late response to the appellant questionnaire. ALJ Kangas considered claimant's response to the appellant questionnaire as applicable to both decision # 85938 and 134726. On February 24, 2025, ALJ Kangas issued Order No. 25-UI-283911, re-dismissing claimant's late request for hearing on decision # 85938 and leaving that decision undisturbed. Also on February 24, 2025, ALJ Kangas issued Order No. 25-UI-283907, dismissing claimant's late request for hearing on decision # 134726 and leaving that decision undisturbed.

On March 17, 2025, Orders No. 25-UI-283911 and 25-UI-283907 became final without claimant having filed applications for review with the Employment Appeals Board (EAB). At 12:04 a.m. on March 18, 2025, claimant filed late applications for review of Orders No. 25-UI-283911 and 25-UI-283907 with EAB. EAB combined its review of Orders No. 25-UI-283911 and 25-UI-283907 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2025-EAB-0234 and 2025-EAB-0233).

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 applications for review and a statement enclosed with them, 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, 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 exhibit will remain in the record.

CONCLUSIONS AND REASONS: The applications for review are dismissed without prejudice.

At 12:04 a.m. on March 18, 2025, claimant filed applications for review of Orders No. 25-UI-283911 and 25-UI-283907 with EAB. ORS 657.270(6) and ORS 657.270(7)(b) required the applications for review to be filed no later than March 17, 2025. Claimant's applications for review are therefore late, and these 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 requests for reconsideration by May 15, 2025, *and*
2. Claimant must say 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. 25-UI-283911 and 25-UI-283907, whether they read and disagreed with them, and how they were prevented from filing their applications for review by March 17, 2025. 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, *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 a timely application 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 March 18, 2025, are dismissed without prejudice. Order No. 25-UI-283911 and 25-UI-283907 remain undisturbed.

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

DATE of Service: April 25, 2025

NOTE: To help meet the requirements of a request for reconsideration, please return the attached questionnaire to EAB by May 15, 2025.

NOTE: The Department may defer recovery or completely waive the overpaid amount if certain standards are met. If you apply but do not qualify for a waiver, other relief may be available, such as temporarily pausing collection efforts or limiting reductions of current benefits. It is important to apply for a waiver as soon as possible because waivers are not retroactive. For more information on requesting a waiver, go to <https://unemployment.oregon.gov/overpayments>. The Overpayment Waiver Application is available for download at <https://unemployment.oregon.gov/uploads/docs/FORM129-EN.pdf> and can be submitted in any of these ways:

- Frances Online: Log in to your Frances Online account and use “Send a Message”
- Use the Contact Us form online at: unemployment.oregon.gov/contact
- Email: UIOverpayments@employ.oregon.gov – Subject: “Waiver Request”
- Fax: 503-947-1811 – ATTN: BPC Waiver Requests
- U.S. Mail: BPC Overpayment Waivers, PO Box 14130, Salem, OR 97311

LATE APPLICATION FOR REVIEW TO EAB - QUESTIONNAIRE

Please provide information about the ALJ's Orders No. 25-UI-283911 and 25-UI-283907, mailed to you on February 24, 2025. Applications for review of those orders were due by March 17, 2025. Our records show you filed your applications for review with EAB at 12:04 a.m. on March 18, 2025.

This questionnaire is asking for information **only** about the ALJ's Orders No. 25-UI-283911 and 25-UI-283907. This questionnaire is **not** asking for information about the underlying administrative decisions in this case, decisions # 85938 and 134726. Claimant should provide details about the reason(s) they filed a late application for review to EAB, and **not the reason(s) that they may have filed late requests for hearing on decisions # 85938 and 134726.**

Important: Answers must be mailed, faxed, or emailed to EAB by May 15, 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 Orders No. 25-UI-283911 and 25-UI-283907?

2. On what date (mm/dd/yy) did you file your applications for review of the ALJ's Orders No. 25-UI-283911 and 25-UI-283907 with EAB?

3. How did you file your application for review of the ALJ's Orders No. 25-UI-283911 and 25-UI-283907?
☐ Email ☐ Mail ☐ Fax ☐ EAB's Website

☐ Other: _____

4. If you believe you filed your applications for review before the March 17, 2025 deadline stated in the ALJ's Orders No. 25-UI-283911 and 25-UI-283907, what information do you have to show that you filed your applications for review before the deadline? You may attach copies of any documents that will help show this.

5. If you believe you had “good cause” for filing your applications for review late, what were the circumstances that prevented you from filing your applications for review by March 17, 2025?
6. When did those circumstances begin?
7. How did those circumstances prevent you from filing your applications for review by March 17, 2025?
8. On what date (mm/dd/yy) did the circumstances that prevented you from filing your applications for review by March 17, 2025 end?
9. What prompted you to file your applications for review at 12:04 a.m. on March 18, 2025, and not earlier?
10. Were there any technical issues affecting your ability to file the applications for review on or prior to March 17, 2025? If so, what were they, how did they prevent timely filing of the applications for review, and when did those circumstances end?

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 May 15, 2025.

I filed my request for reconsideration on: _____.

Important: Answers must be mailed, faxed, or emailed to EAB by May 15, 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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