

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0240**

*Late Applications for Review Dismissed Without Prejudice*

**PROCEDURAL HISTORY AND FINDINGS OF FACT:** On October 2, 2020, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was disqualified from receiving unemployment insurance benefits effective March 24, 2020 (decision # 71317). On October 6, 2020, the Department served notice of an administrative decision, based in part on decision # 71317, concluding that claimant willfully made a misrepresentation and failed to report a material fact to obtain benefits, and assessing a \$2,869 overpayment of regular unemployment insurance (regular UI) benefits and a \$9,600 overpayment of Federal Pandemic Unemployment Compensation (FPUC) benefits that claimant was required to repay to the Department, a \$430.35 monetary penalty, and an 18-week penalty disqualification from future benefits. On October 22, 2020, decision # 71317 became final without claimant having filed a request for hearing. On October 26, 2020, the October 6, 2020, administrative decision became final without claimant having filed a request for hearing. On February 14, 2023, claimant filed late requests for hearing on decision # 71317 and the October 6, 2020, administrative decision.

ALJ Kangas considered claimant's requests, and on July 5, 2023 issued Orders No. 23-UI-229453 and 23-UI-229450, dismissing claimant's requests for hearing as late, subject to claimant's right to renew the requests by responding to an appellant questionnaire by July 19, 2023. On July 25, 2023, Orders No. 23-UI-229453 and 23-UI-229450 became final without claimant having filed an appellant questionnaire response or an application for review with the Employment Appeals Board (EAB). On April 20, 2025, claimant filed late applications for review of Orders No. 23-UI-229453 and 23-UI-229450 with EAB.

**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 application for review. The written statement is marked as EAB Exhibit 1, and a copy is 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.

EAB combined its review of Orders No. 23-UI-229453 and 23-UI-229450 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2025-EAB-0241 and 2025-EAB-0240).

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

On April 20, 2025, claimant filed applications for review of Orders No. 23-UI-229453 and 23-UI-229450 with EAB. ORS 657.270(6) and ORS 657.270(7)(b) required the applications for review to be filed no later than July 25, 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 application 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 June 5, 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. 23-UI-229453 and 23-UI-229450, whether they read and disagreed with the orders, and how they were prevented from filing their applications for review by July 25, 2023. 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 a timely application 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 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](mailto: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 April 20, 2025 are dismissed without prejudice. Orders No. 23-UI-229453 and 23-UI-229450 remain undisturbed.

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

**DATE of Service:** May 16, 2025

**NOTE:** To help meet the requirements of a request for reconsideration, please return the attached questionnaire to EAB by June 5, 2025.

## **LATE APPLICATION FOR REVIEW TO EAB - QUESTIONNAIRE**

**Please provide information about the ALJ's Orders No. 23-UI-229453 and 23-UI-229450, mailed to you on July 5, 2023.** Applications for review of those orders were due by July 25, 2023. Our records show you filed your applications for review with EAB on April 20, 2025.

This questionnaire is asking for information **only** about the ALJ's Orders No. 23-UI-229453 and 23-UI-229450. This questionnaire is **not** asking for information about the underlying administrative decisions in this case, decision # 71317 and the October 6, 2020 administrative decision. Claimant should provide details about the reason(s) they filed late applications for review to EAB, and **not the reason(s) that they may have filed late requests for hearing on decision # 71317 and the October 6, 2020 administrative decision.**

**Important:** Answers must be mailed, faxed, or emailed to EAB by June 5, 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. 23-UI-229453 and 23-UI-229450?
  
  
  
  
  
  
  
  
  
  
2. On what date (mm/dd/yy) did you file your applications for review of the ALJ's Orders No. 23-UI-229453 and 23-UI-229450 with EAB?
  
  
  
  
  
  
  
  
  
  
3. How did you file your applications for review of the ALJ's Orders No. 23-UI-229453 and 23-UI-229450?  
☐ Email      ☐ Mail      ☐ Fax      ☐ EAB's Website  
  
☐ Other: \_\_\_\_\_
  
  
  
  
  
  
  
  
  
  
4. If you believe you filed your applications for review before the July 25, 2023 deadline stated in the ALJ's Orders No. 23-UI-229453 and 23-UI-229450, 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 July 25, 2023?
6. When did those circumstances begin?
7. How did those circumstances prevent you from filing your application for review by July 25, 2023?
8. On what date (mm/dd/yy) did the circumstances that prevented you from filing your applications for review by July 25, 2023, end?
9. What prompted you to file your applications for review on April 20, 2025, and not earlier?

10. Information suggests that, in 2020, your address of record was an address on Harris Street in Eugene, Oregon. Information suggests that you may later have moved to an address on SE Cleveland Avenue in an unknown city and state. Information suggests that you may also have lived at an address on SW McKinley Avenue in Bend, Oregon, and that you may currently reside at an address in Boise, Idaho.
  - A. Please list every residence address at which you have lived from 2020 to date, in order, stating for each address when you moved to the address, and when your residence at the address ended.
  - B. For each address listed above, state whether you notified the Employment Department or the Office of Administrative Hearings (OAH) of the updated address when you moved to the address, and, if you did, when you gave the Department or OAH notification of the updated address.
  - C. For each address listed above, state whether you were claiming unemployment insurance benefits or had an appeal pending before OAH on the date that you moved to the address.

**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 June 5, 2025.

I filed my request for reconsideration on: \_\_\_\_\_.

**Important:** Answers must be mailed, faxed, or emailed to EAB by June 5, 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**

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Email: [appealsboard@employ.oregon.gov](mailto:appealsboard@employ.oregon.gov)

Website: [www.Oregon.gov/employ/pages/employment-appeals-board.aspx](http://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.