

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0306

Application for Review Dismissed
No Justiciable Controversy

PROCEDURAL HISTORY AND FINDINGS OF FACT: On March 18, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct and claimant therefore was disqualified from receiving benefits effective February 9, 2025 (decision # L0009850776).¹ On April 7, 2025, decision # L0009850776 became final without claimant having filed a request for hearing. On April 11, 2025, claimant filed a late request for hearing on decision # L0009850776. ALJ Kangas considered claimant's request, and on May 14, 2025, issued Order No. 25-UI-292221, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by May 28, 2025. On May 23, 2025, claimant filed an application for review of Order No. 25-UI-292221 with the Employment Appeals Board (EAB). Also on May 23, 2025, claimant filed a timely response to the appellant questionnaire with the Office of Administrative Hearings (OAH).² This matter comes before EAB based on claimant's May 23, 2025, application for review of Order No. 25-UI-292221.

CONCLUSIONS AND REASONS: Claimant's application for review of Order No. 25-UI-292221 presents no justiciable controversy and is dismissed.

On May 23, 2025, claimant filed with EAB an application for review of an order, Order No. 25-UI-292221, that had dismissed claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by May 28, 2025. Also on May 23, 2025, claimant filed a timely appellant questionnaire response with the Office of Administrative Hearings (OAH).

¹ Decision # L0009850776 stated that claimant was denied benefits from February 16, 2025 to May 10, 2025. However, as decision # L0009850776 stated that claimant separated from work on February 13, 2025, the decision should have stated that claimant was disqualified from receiving benefits beginning Sunday, February 9, 2025 and until they earned four times their weekly benefit amount. See ORS 657.176.

² OAH did not process claimant's questionnaire response or notify EAB that it had been added to the hearing record for this case until June 15, 2025.

Accordingly, proceedings on the matter of claimant's late request for hearing remain pending before OAH.

OAH will review claimant's appellant questionnaire response. Thereafter, OAH will likely take one of two actions. It will likely either vacate Order No. 25-UI-292221 and schedule a hearing to determine whether claimant had good cause to file their hearing request late, and, if good cause is found, conduct a hearing on the merits of decision # L0009850776. Or, OAH will cancel Order No. 25-UI-292221 and issue a new order re-dismissing claimant's late request for hearing.

In any event, because OAH still must review claimant's responses on the appellant questionnaire at OAH, Order No. 25-UI-292221 is not ready for review at EAB. For this reason, there is no legal issue for EAB to decide based on claimant's May 23, 2025, application for review to EAB. Because the case before EAB presents no justiciable controversy, the application for review of Order No. 25-UI-292221 is dismissed and Order No. 25-UI-292221 remains undisturbed.

Claimant may file with EAB an application for review on any subsequent order issued by OAH in this matter. For example, should OAH cancel Order No. 25-UI-292221 and issue a new order re-dismissing claimant's late request for hearing, claimant has the right to appeal the order re-dismissing the late request for hearing by filing another application for review with EAB.

DECISION: The application for review filed May 23, 2025 is dismissed. Order No. 25-UI-292221 remains undisturbed.

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

DATE of Service: June 20, 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 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.

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