

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0315

Late Application for Review Dismissed Without Prejudice

PROCEDURAL HISTORY AND FINDINGS OF FACT: On December 20, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct, disqualifying claimant from receiving benefits beginning October 20, 2024 (decision # L0007817813).¹ Claimant filed a timely request for hearing. On April 2, 2025, ALJ Strauch conducted a hearing, and on April 10, 2025, issued Order No. 25-UI-289132, reversing decision # L0007817813 by concluding that the employer discharged claimant, but not for misconduct, and claimant was not disqualified from receiving benefits based on the discharge. On April 30, 2025, Order No. 25-UI-289132 became final without the employer having filed an application for review with the Employment Appeals Board (EAB). On May 28, 2025, the employer filed a late application for review 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 the written statement the employer included with their application for review, has been marked as EAB Exhibit 1, and a copy provided to the parties with this decision. Any party that objects to EAB admitting EAB Exhibit 1 must send the 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(s) will remain in the record.

WRITTEN ARGUMENT: The employer submitted a written argument with their application for review. EAB did not consider the employer's argument because it was not relevant and material to EAB's determination of whether the late application for review should be allowed. ORS 657.275(2) and

¹ Decision # L0007817813 stated that claimant was denied benefits from October 20, 2024, to November 29, 2025. However, decision # L0007817813 should have stated that claimant was disqualified from receiving benefits beginning October 20, 2024, and until he earned four times his weekly benefit amount. See ORS 657.176.

OAR 471-041-0090(1)(b)(A) (May 13, 2019). EAB considered only EAB Exhibit 1 in reaching this decision.

CONCLUSIONS AND REASONS: The employer's late application for review is dismissed without prejudice.

On May 28, 2025, employer filed an application for review of Order No. 25-UI-289132 with EAB. ORS 657.270(6) and ORS 657.270(7)(b) required the application for review to be filed no later than April 30, 2025. The employer's application for review is therefore late, and this application for review is 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 employer believes they have good cause and filed their late application for review within a reasonable time, the employer 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. The employer must file the request for reconsideration by **July 8, 2025**, *and*
2. The employer must say in the request for reconsideration that they sent a copy of the request to the other party (claimant), *and*
3. The employer must provide more specific details about the reason they filed a *late* application for review. For example, the employer should include specific information about the date they received the ALJ's Order No. 25-UI-289132, whether they read and disagreed with it, and how they were prevented from filing their application for review by April 30, 2025. The employer should include specific details that might help EAB decide whether or not the employer had "good cause," which means factors or circumstances beyond their reasonable control prevented them from filing a timely application for review, *and*
4. The employer must provide the date the circumstances that prevented them from filing a timely application for review ended (the circumstances they listed in response to #3, above), *and*
5. The employer must provide sufficient information to prove that they filed their application 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 application for review filed May 28, 2025 is dismissed without prejudice. Order No. 25-UI-289132 remains undisturbed.

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

DATE of Service: June 18, 2025

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.

NOTE: To help meet the requirements of a request for reconsideration, please return the attached questionnaire to EAB by July 8, 2025.

LATE APPLICATION FOR REVIEW TO EAB - QUESTIONNAIRE

Please provide information about the ALJ's Order No. 25-UI-289132 mailed to you on April 10, 2025. An application for review of that order was due by April 30, 2025. Our records show you filed your application for review with EAB on May 28, 2025.

This questionnaire is asking for information **only** about the ALJ's Order No. 25-UI-289132. This questionnaire is **not** asking for information about the underlying administrative decision in this case, decision # L0007817813.

Important: Answers must be mailed, faxed, or emailed to EAB by **July 8, 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 Order No. 25-UI-289132?

2. On what date (mm/dd/yy) did you file your application for review of the ALJ's Order No. 25-UI-289132 with EAB?

3. How did you file your application for review of the ALJ's Order No. 25-UI-289132?
☐ Email ☐ Mail ☐ Fax ☐ EAB's Website

☐ Other: _____

4. If you believe you filed your application for review before the April 30, 2025, deadline stated in the ALJ's Order No. 25-UI-289132, what information do you have to show that you filed your application 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 application for review late, what were the circumstances that prevented you from filing your application for review by the April 30, 2025, deadline date?
6. When did those circumstances begin?
7. How did those circumstances prevent you from filing your application for review by the April 30, 2025, deadline?
8. On what date (mm/dd/yy) did the circumstances that prevented you from filing your application for review by April 30, 2025, end?
9. What prompted you to file your application for review on May 28, 2025, and not earlier?
10. The email included with your application for review states “I was involved in an accident and the file was misplaced.” EAB Exhibit 1 at 1. To the extent not already answered above, when did the accident occur and how did it prevent you from timely filing the application for review? How was the file misplaced? What actions were taken to find the file? Did you take any action to place on a calendar the deadline to file and application for review after you received Order No. 25-UI-289132? When did you find the file? Please include any other information about the accident and misplacing the file you think is relevant to whether there was good cause for filing the application for review late.

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 **July 8, 2025**.

I filed my request for reconsideration on: _____.

Important: Answers must be mailed, faxed, or emailed to EAB by **July 8, 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 محكمة 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، می توانید با استفاده از دستور العمل 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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