

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0357-R

Requests for Reconsideration Allowed
EAB Decisions 2025-EAB-0358 and 2025-EAB-0357 Adhered to on Reconsideration

PROCEDURAL HISTORY AND FINDINGS OF FACT: On August 6, 2021, the Oregon Employment Department (the Department) served a Notice of Determination for Pandemic Unemployment Assistance (PUA) concluding that claimant was not entitled to PUA benefits effective December 27, 2020. On August 26, 2021, the August 6, 2021 PUA determination became final without claimant having filed a request for hearing. On August 25, 2022, the Department served notice of an administrative decision, based partly on the August 6, 2021 PUA determination, concluding that claimant received benefits to which they were not entitled and assessing an overpayment of \$2,870 in PUA and \$4,200 in Federal Pandemic Unemployment Compensation (FPUC) benefits that claimant was required to repay (decision # 142123). On September 14, 2022, decision # 142123 became final without claimant having filed a request for hearing.

On March 18, 2024, claimant filed late requests for hearing on the August 6, 2021 PUA determination and decision # 142123. ALJ Kangas considered claimant's requests, and on May 6, 2024 issued Order No. 24-UI-253590, dismissing claimant's request for hearing on the August 6, 2021 PUA determination as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by May 20, 2024. On May 28, 2024, ALJ Kangas issued Order No. 24-UI-255144, dismissing claimant's request for hearing on decision # 142123 as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by June 11, 2024. On May 28, 2024, and June 17, 2024, respectively, Orders No. 24-UI-253590 and 24-UI-255144 became final without claimant having filed a response to the appellant questionnaires or applications for review with the Employment Appeals Board (EAB).

On April 29, 2025, claimant filed a signed statement that the Office of Administrative Hearings (OAH) construed as a late response to the appellant questionnaires. On May 27, 2025, ALJ Kangas issued Orders No. 25-UI-293234 and 25-UI-293229, finding that claimant had failed to file their appellant questionnaire response by the respective deadlines, re-dismissing claimant's requests for hearing as late without showings of good cause, and leaving the August 6, 2021 PUA determination and decision # 142123 undisturbed.

On June 10, 2025, claimant filed a letter addressed to OAH that EAB construed as timely applications for review of Orders No. 25-UI-293234 and 25-UI-293229 with EAB. EAB combined its review of Orders No. 25-UI-293234 and 25-UI-293229. On June 27, 2025, EAB issued EAB Decisions 2025-EAB-0358 and 2025-EAB-0357, affirming the conclusions of Orders No. 25-UI-293234 and 25-UI-293229, respectively, that claimant's requests for hearing were late without good cause and therefore dismissed.

On June 30, 2025, claimant filed with EAB a completed paper application for review form for Order No. 25-UI-293229 and a letter requesting an extension of time to file applications for review of Orders No. 25-UI-293234 and 25-UI-293229. EAB construed these as requests for reconsideration of EAB Decisions 2025-EAB-0358 and 2025-EAB-0357.

These consolidated decisions are issued pursuant to EAB's authority under ORS 657.290(3), and for case-tracking purposes are issued in duplicate (EAB Decisions 2025-EAB-0358-R and 2025-EAB-0357-R).

WRITTEN ARGUMENT: EAB did not consider claimant's July 31, 2025 written argument because it was not received by EAB within the time allowed under OAR 471-041-0080(1) (May 13, 2019). OAR 471-041-0080(2)(b).

CONCLUSIONS AND REASONS: Claimant's requests for reconsideration are allowed. EAB Decisions 2025-EAB-0358 and 2025-EAB-0357 are adhered to on reconsideration.

ORS 657.290(3) authorizes the Employment Appeals Board to reconsider any previous decision of the Employment Appeals Board, including "the making of a new decision to the extent necessary and appropriate for the correction of previous error of fact or law." "Any party may request reconsideration to correct an error of material fact or law, or to explain any unexplained inconsistency with Employment Department rule, or officially stated Employment Department position, or prior Employment Department practice." OAR 471-041-0145(1) (May 13, 2019). The request is subject to dismissal unless it is filed on or before the 20th day after the decision sought to be reconsidered was mailed. OAR 471-041-0145(2).

Claimant filed their requests for reconsideration on June 30, 2025, which was within 20 days of the June 27, 2025 date EAB Decisions 2025-EAB-0358 and 2025-EAB-0357 were mailed. Claimant therefore filed requests for reconsideration consistent with the requirements set forth in OAR 471-041-0145, and the requests for reconsideration are allowed.

Claimant's letter, which makes up the bulk of their submission, asked for an extension of time to file their applications for review of Orders No. 25-UI-293234 and 25-UI-293229, asserting that the deadline of June 16, 2025 did not allow adequate time for claimant to file. However, claimant should note that EAB construed claimant's June 10, 2025 letter addressed to OAH as timely applications for review of Orders No. 25-UI-293234 and 25-UI-293229. Therefore, claimant complied with the June 16, 2025 deadline to file applications for review and the request for an extension of time is moot.

Claimant asserted that extending the deadline was necessary to allow them "adequate time to gather the relevant records and respond appropriately," and made reference to obtaining and then submitting to

EAB bank records and the like. Claimant's Requests for Reconsideration at 3. However, as pointed out in EAB Decisions 2025-EAB-0358 and 2025-EAB-0357, claimant was given the opportunity to explain what factors prevented timely filing of their appeals of the administrative decisions in these cases, and submit documents for that purpose if desired, by timely responding to an appellant questionnaire. Claimant filed an untimely appellant questionnaire response, and EAB was prevented by rule from considering it because it was new evidence that was not considered by the ALJ. Any additional information, such as bank records or other documents, that claimant wishes to obtain and submit at this juncture would likewise be materials EAB could not consider.

Claimant's requests for reconsideration do not show that EAB Decisions 2025-EAB-0358 and 2025-EAB-0357 contained errors of material fact or law, or were inconsistent with any Department rule, officially stated Department position, or prior Department practice. EAB Decisions 2025-EAB-0358 and 2025-EAB-0357 therefore are adhered to on reconsideration. EAB Decisions 2025-EAB-0358 and 2025-EAB-0357, which affirmed the conclusions of Orders No. 25-UI-293234 and 25-UI-293229 that claimant's requests for hearing were late without good cause and therefore dismissed, remain undisturbed.

Claimant may wish to apply for a waiver of recovery of the overpayment established by decision # 142123. Instructions for how to apply for a waiver are included below.

DECISION: The requests for reconsideration filed on June 30, 2025 are allowed. EAB Decisions 2025-EAB-0358 and 2025-EAB-0357 are adhered to on reconsideration.

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

DATE of Service: August 1, 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

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.

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.

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