

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0564

Reversed
Merits Hearing Required

PROCEDURAL HISTORY AND FINDINGS OF FACT: On August 18, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and therefore was disqualified from receiving unemployment insurance benefits effective June 29, 2025 (decision # L0012428472).¹ The employer filed a timely request for hearing. ALJ Kangas considered the employer's request, and on September 15, 2025, issued Order No. 25-UI-303845, dismissing the employer's request for hearing because it presented no justiciable controversy. On September 25, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB did not consider claimant's written argument because they did not state that they provided a copy of their argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019).

CONCLUSIONS AND REASONS: The request for hearing presents a justiciable controversy, and claimant is entitled to a hearing on the merits of decision # L0012428472.

The employer filed a request for hearing on decision # L0012428472, which disqualified claimant from benefits. The order under review dismissed the employer's request for hearing as presenting no justiciable controversy, as the administrative decision was not adverse to the employer. Order No. 25-UI-303845 at 2. This was error, as the request for hearing does, in fact, present a justiciable controversy.

Although the request for hearing was filed by the employer, it appears to contain written statements from both parties. The first of those statements reads:

¹ Decision # L0012428472 stated that claimant was denied benefits from July 6, 2025 to July 4, 2026. However, as decision # L0012428472 found that claimant quit work on July 3, 2025, it should have stated that claimant was disqualified from receiving benefits beginning Sunday, June 29, 2025 and until they earned four times their weekly benefit amount. See ORS 657.176.

The UE denial reason indicates I was fired for misconduct. That is not the case. There was no misconduct. There was a change in business operations and my position isn't being filled for the foreseeable [*sic*] future. Furthermore, MAPS Credit Union who owns CU Benefits Alliance, is a no-contest employer. My claim should never have been denied, and certainly not for misconduct, and it is my understanding that Diane Kessler at MAPS Credit Union has already submitted an appeal on my behalf to allow this unemployment claim to be paid. I'd very much appreciate the chance to discuss this if my written appeal, and that of MAPS, isn't enough to overturn this denial.

Exhibit 2 at 4. Given the use of the first-party singular in phrases such as, "I was fired for misconduct," this statement appears to have been written by claimant. By contrast, the employer identifies themselves in the second statement:

We are a "No Contest" employer and do not agree with the decision. The individual would have been fired had she not chose to quit on the spot. We advised the former employee they would receive benefits.

Exhibit 2 at 4. Thus, while the employer may have been the party of record to file the request for hearing, they did so either in conjunction with claimant or on claimant's behalf. Because decision # L0012428472 was adverse to claimant, and claimant has expressed here a present and timely intent to appeal,² a justiciable controversy exists in this matter, and claimant is therefore entitled to a hearing on the merits of decision # L0012428472.

DECISION: Order No. 25-UI-303845 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: October 17, 2025

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-303845 or return this matter to EAB. Only a timely application for review of the order mailed to the parties after the remand hearing will return this matter to EAB.

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² See generally OAR 471-040-0005 (July 15, 2018).



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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