

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0805

Application for Review Dismissed ~ No Justiciable Controversy
Department to Correct Order No. 25-UI-312529 in its Records to Reflect it Allows Benefits

PROCEDURAL HISTORY AND FINDINGS OF FACT: On September 10, 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 unemployment insurance benefits effective July 20, 2025 (decision # L0012791940).¹ Claimant filed a timely request for hearing. On November 24, 2025, ALJ Andersen conducted a hearing, and on December 1, 2025 issued Order No. 25-UI-312529, reversing decision # L0012791940 by concluding that claimant was discharged, but not for misconduct and claimant therefore was not disqualified from receiving unemployment insurance benefits based on the work separation. On December 22, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).²

CONCLUSIONS AND REASONS: Claimant's application for review of Order No. 25-UI-312529 presents no justiciable controversy and is dismissed.

¹ Decision # L0012791940 stated that claimant was denied benefits from July 27, 2025 to July 25, 2026. However, as decision # L0012791940 stated that claimant separated from work on July 25, 2025, decision # L0012791940 should have stated that claimant was disqualified from receiving benefits beginning Sunday, July 20, 2025 and until he earned four times his weekly benefit amount. See ORS 657.176.

² On January 16, 2026, EAB received a written statement from the employer, which may constitute an application for review of Order No. 25-UI-312529. EAB will consider the employer's submission separately. This decision is issued purely to correct the scrivener's error in Order No. 25-UI-312529, which caused the Department to incorrectly process the order as affirming decision # L0012791940 and denying claimant benefits. This decision does not prevent the employer's appeal of Order No. 25-UI-312529 from being considered, so long as the appeal was timely filed or, if late, good cause exists to allow the late appeal.

Order No. 25-UI-312529 reversed decision # L0012791940 and allowed claimant benefits. The “Conclusion of Law” section of the order states, “The claimant was discharged but not for misconduct.” Order No. 25-UI-312529 at 2. The “Opinion” section of the order states as follows, with emphasis added:

Although claimant’s actions were detrimental to employer, ***claimant’s conduct does not rise to the level of misconduct, which requires an intentional or wantonly negligent action.*** In this case, employer gave claimant the authority to void or delete transaction tickets at claimant’s discretion. Claimant deleted transaction tickets when the amount of cash on hand did not match the amount the cashier notated in the transaction ticket. Employer did not have a policy requiring claimant to void transaction tickets instead of deleting the tickets. Employer did not require claimant to take any extra steps to verify whether cash was received, or to notify employer of transactions [sic] tickets that were voided or deleted. ***Employer did not show any policy that claimant violated. Therefore, employer has not met its burden to establish claimant was fired for misconduct.***

Order No. 25-UI-312529 at 3.

However, contradictorily, the “Order” section states, “The administrative decision mailed September 10, 2025, is affirmed. Claimant is subject to disqualification from benefits under ORS 657.176(2)(a), effective , until requalified under Employment Department law.” Order No. 25-UI-312529 at 4.

It is evident that the language used in the “Order” section of Order No. 25-UI-312529 was a scrivener’s error, and that the ALJ intended that section to state that decision # L0012791940 was reversed and claimant was not disqualified from receiving benefits. This is so because the “Order” section is opposite to what is stated in the “Conclusion of Law” and “Opinion” sections. The “Order” section also contains a placeholder space after the word “effective” that was never filled in, which suggests that the entire paragraph was boilerplate language that was never finalized and remained inadvertently in the final draft.

Accordingly, the scrivener’s error contained in the “Order” section is to be ignored and the disposition of Order No. 25-UI-312529 is treated as it was intended, which is reversing decision # L0012791940 by concluding that claimant was discharged, but not for misconduct and that claimant therefore was not disqualified from receiving benefits based on the work separation.

However, review of Department records shows that the Department interpreted the disposition of Order No. 25-UI-312529 to affirm claimant’s disqualification from benefits. The Department is instructed to correct its records to reflect that Order No. 25-UI-312529 is an order allowing claimant benefits. After a reasonable processing time following the issuance of this decision, claimant is urged to contact the Department directly to verify that it has done so.

Order No. 25-UI-312529 reversed decision # L0012791940 and allowed claimant benefits. On December 22, 2025, claimant filed with EAB an application for review of Order No. 25-UI-312529, an order that was fully favorable to him. Oregon courts follow the principle that a review on appeal may only be provided for justiciable controversies. *See, e.g., Gortmaker v. Seaton*, 252 Or. 440, 442, 450 P.2d 547 (1969). A justiciable controversy exists when the interests of the parties to the action conflict

with each other, and the appeal will have some practical effect on the rights of the parties to the controversy. *Barcik v. Kubiacyk*, 321 Or 174, 895 P2d 765 (1995). To show a practical effect on their rights, an appellant must seek “substantive relief” through their appeal. *Krisor v. Henry*, 256 Or. App. 56, 300 P.3d 199 (Or. Ct. App. 2013).

As Order No. 25-UI-312529 was fully favorable to claimant, EAB’s review of this matter could not provide substantive relief to claimant, and such review would have no practical effect on claimant’s rights. Accordingly, there is no justiciable controversy before EAB based upon claimant’s application for review. Because the case before EAB presents no justiciable controversy, the application for review of Order No. 25-UI-312529 is dismissed and Order No. 25-UI-312529 remains undisturbed.

DECISION: The application for review filed December 22, 2025 is dismissed. Order No. 25-UI-312529, concluding that claimant was not disqualified from receiving unemployment insurance benefits based on the work separation, remains undisturbed.

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

DATE of Service: January 16, 2026

NOTE: Order No. 25-UI-312529 reversed the administrative decision denying claimant benefits. Please note that in most cases, payment of benefits owed will take about a week for the Department to complete.

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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