

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0134-R**

*Request for Reconsideration Dismissed*

**PROCEDURAL HISTORY:** On October 31, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged for misconduct and therefore was disqualified from receiving unemployment insurance benefits effective September 7, 2025 (decision # L0013716333).<sup>1</sup> Claimant filed a timely request for hearing. On January 20, 2026, ALJ Laurie-Gardiner conducted a hearing, and on January 23, 2026, issued Order No. 26-UI-317942, reversing decision # L0013716333 by concluding that claimant was discharged, but not for misconduct, and therefore was not disqualified from receiving benefits based on the work separation. On February 9, 2026, the employer filed an application for review with the Employment Appeals Board (EAB). On March 24, 2026, EAB issued EAB Decision 2026-EAB-0134, affirming Order No. 26-UI-317942 by adopting its findings and conclusions. On March 24, 2026, the employer filed a request for reconsideration with EAB. This decision is made under EAB’s authority from ORS 657.290(3).

**FINDINGS OF FACT:** (1) EAB emailed EAB Decision 2026-EAB-0134 to the employer on March 24, 2026.

(2) Later that day, in response to EAB’s service email, the employer sent EAB a reply email, which EAB construed as a request for reconsideration. The employer did not include a statement in their reconsideration request that a copy of the request was served on claimant.

**CONCLUSIONS AND REASONS:** The employer’s request for reconsideration of EAB Decision 2026-EAB-0134 is dismissed.

ORS 657.290(3) permits the Employment Appeals Board to reconsider any past 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

<sup>1</sup> Decision # L0013716333 stated that claimant was denied benefits from September 7, 2025 to September 20, 2025. However, decision # L0013716333 should have stated that claimant was disqualified from receiving benefits beginning Sunday, September 7, 2025 and until he earned four times his weekly benefit amount. *See* ORS 657.176.

Department rule, or officially stated Employment Department position, or prior Employment Department practice.” OAR 471-041-0145(1) (May 13, 2019). The request will be dismissed unless it says that a copy of the request was given to the other parties, and unless it is filed within 20 days after the decision the party wants to be reconsidered was mailed. OAR 471-041-0145(2).

The employer’s request for reconsideration did not include a statement that a copy of the request for reconsideration was provided to claimant. For this reason, the employer’s request for reconsideration is dismissed.

Further, even if the employer had provided a copy of the request to claimant, and thereby satisfied the threshold requirements for allowing the reconsideration request, EAB would have followed 2026-EAB-0134 on reconsideration. This is because the employer’s reconsideration request does not show that modifying EAB Decision 2026-EAB-0134 is warranted to correct any 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.

As the order under review correctly found, because the employer bore the burden of proof and the witnesses offered conflicting accounts, the weight of the evidence favored claimant’s account that he was approved to not work on September 1, 2025. *See* Order No. 26-UI-317942 at 2, 4. The order therefore appropriately concluded that the employer did not meet their burden to prove that they discharged claimant for misconduct. EAB Decision 2026-EAB-0134 adopted the findings and conclusions of the order under review because the order’s findings and conclusions were supported by substantial evidence and reason.

The employer may appeal EAB Decision 2026-EAB-0134 by filing a Petition for Judicial Review with the Oregon Court of Appeals. Information for doing so is included in an end note that follows.

**DECISION:** The request for reconsideration is dismissed. EAB Decision 2026-EAB-0134 remains undisturbed.

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

**DATE of Service:** May 11, 2026

**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**

ទោរទៅ – តម្រូវការនេះមិនមែនជាភារកិច្ចរបស់យើងទេ បើសិនជាលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

**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 الإستئناف 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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