

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0452

Application for Review Dismissed
No Justiciable Controversy
Eligible Weeks 2-26 through 4-26

PROCEDURAL HISTORY AND FINDINGS OF FACT: On February 26, 2026, the Oregon Employment Department (the Department) served notice of administrative decisions concluding that claimant filed late claims for benefits for the weeks of January 11 to January 17, 2026; January 18 to January 24, 2026; and January 25 to January 31, 2026 and therefore claimant was denied unemployment insurance benefits for those weeks (decisions # L0016193898, L0016206182, and L0016234342 respectively). Claimant filed timely requests for hearing.

On April 14, 2026, ALJ S. Lee conducted a combined hearing, and on April 23, 2026 issued Orders No. 26-UI-328164, 26-UI-328166, and 26-UI-328167, reversing decisions # L0016193898, L0016206182, and L0016234342, respectively, by concluding that claimant's claims should be treated as timely filed and that claimant is entitled to benefits for the weeks of January 11 to January 17, 2026; January 18 to January 24, 2026; and January 25 through January 31, 2026, if otherwise eligible.

On May 7, 2026, claimant filed applications for review with the Employment Appeals Board (EAB). EAB combined its review of Orders No. 26-UI-328164, 26-UI-328166, and 26-UI-328167 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in triplicate (EAB Decisions 2026-EAB-0457, 2026-EAB- 0452, and 2026-EAB-0458).

CONCLUSIONS AND REASONS: Claimant's applications for review of Orders No. 26-UI-328164, 26-UI-328166, and 26-UI-328167 present no justiciable controversy and are dismissed.

On May 7, 2026, claimant filed with EAB several applications for review, including applications for review of Orders No. 26-UI-328164, 26-UI-328166, and 26-UI-328167. Orders No. 26-UI-328164, 26-UI-328166, and 26-UI-328167 were fully favorable to claimant because they found that claimant's claim for each week at issue (weeks 2-26 through 4-26) should be treated as timely filed and that claimant is entitled to benefits for those weeks (January 11 to January 31, 2026, collectively) if otherwise eligible. 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).

Claimant did not assign error to any portion of Orders No. 26-UI-328164, 26-UI-328166, and 26-UI-328167, did not request reversal of any portion of the orders, and alleged no facts entitling claimant to further relief in this matter. Because all the orders under review granted claimant benefits for the weeks at issue, EAB’s review could not provide further 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 applications for review. Because the cases before EAB present no justiciable controversy, the applications for review of Orders No. 26-UI-328164, 26-UI-328166, and 26-UI-328167 are dismissed. Orders No. 26-UI-328164, 26-UI-328166, and 26-UI-328167 remain undisturbed.

DECISION: The applications for review filed May 7, 2026 are dismissed. Orders No. 26-UI-328164, 26-UI-328166, and 26-UI-328167 remain undisturbed.

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

DATE of Service: June 4, 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.

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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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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