EO: Intrastate
BYE: 27-Feb-2021

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

124
MC 000.00
PUA 000.00

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0842

Affirmed
Late Request for Hearing Allowed
Ineligible for PUA

PROCEDURAL HISTORY: On May 3, 2021, the Oregon Employment Department (the Department) served a Notice of Determination for Pandemic Unemployment Assistance (PUA) concluding that claimant was ineligible for PUA benefits effective December 27, 2020. On May 24, 2021, the May 3, 2021 PUA determination became final without claimant having filed a request for hearing. On April 17, 2026, claimant filed a late request for hearing. On August 24, 2026, ALJ Goodrich conducted a hearing, and on September 1, 2026 issued Order No. 26-UI-338841, allowing claimant's late request for hearing and affirming the May 3, 2021 PUA determination on the merits. On September 9, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB considered claimant's written argument in reaching this decision.

PARTIAL ADOPTION: EAB considered the entire hearing record, including witness testimony and any exhibits admitted as evidence. EAB agrees with the part of Order No. 26-UI-338841 allowing claimant's late request for hearing. That part of Order No. 26-UI-338841 is **adopted.** *See* ORS 657.275(2).

FINDINGS OF FACT: (1) From at least 2019 through October 2020, claimant was employed by Sportsman Tavern in Oregon. In October 2020, claimant quit working for that employer in order to move to Idaho due to difficulties she was experiencing involving her ex-husband. The employer had not closed or curtailed their operations as of October 2020 due to the COVID-19 pandemic, and claimant could have continued in her employment on the same terms during and after October 2020 had she not quit work and moved to Idaho.

(2) On December 18, 2020, either claimant or someone acting with or without claimant's knowledge filed an initial claim for PUA benefits on claimant's behalf. Thereafter, weekly claims were filed for the weeks of December 27, 2020 through June 12, 2021 (weeks 53-20 through 23-21). The Department paid benefits for the weeks of December 27, 2020 through April 17, 2021 (weeks 53-20 through 15-21) and denied benefits for the remaining weeks.

(3) On January 26, 2021, the Department mailed and emailed notice to claimant's addresses on file that she was required, by February 16, 2021, to provide documentary proof of employment or self-employment up to the point that she became unemployed as a direct result of a COVID-19 related reason. Claimant did not receive this notice, and, as of the August 24, 2026 hearing date, had not provided such documentation.

CONCLUSIONS AND REASONS: Claimant was ineligible for PUA benefits.

To be eligible for PUA benefits, an individual must be a "covered individual" as that term is defined by the CARES Act, as amended. 15 U.S.C. § 9021(b). In pertinent part, a "covered individual" is an individual who (1) "is not eligible for regular compensation or extended benefits . . . or pandemic emergency unemployment compensation"; (2) self-certifies that they are either "otherwise able to work and available to work within the meaning of applicable State law, except the individual is unemployed, partially unemployed, or unable or unavailable to work because" of one of eleven reasons related to the COVID-19 pandemic, or "is self-employed, is seeking part-time employment, does not have sufficient work history, or otherwise would not qualify for regular unemployment" and is rendered unemployed because of one of the eleven listed reasons; and (3) for claims effective on and after December 27, 2020, "provides documentation to substantiate employment or self-employment or the planned commencement of employment or self-employment not later than 21 days after the later of the date on which the individual submits an application for pandemic unemployment assistance under this section or the date on which an individual is directed by the State Agency to submit such documentation[.]" 15 U.S.C. § 9021(a)(3)(A)(i)-(iii).

The enumerated COVID-19 related reasons include:

> (aa) the individual has been diagnosed with COVID–19 or is experiencing symptoms of COVID–19 and seeking a medical diagnosis;
>
> (bb) a member of the individual's household has been diagnosed with COVID–19;
>
> (cc) the individual is providing care for a family member or a member of the individual's household who has been diagnosed with COVID–19;
>
> (dd) a child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID–19 public health emergency and such school or facility care is required for the individual to work;
>
> (ee)the individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID–19 public health emergency;

> (ff) the individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID–19;
>
> (gg) the individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID–19 public health emergency;
>
> (hh) the individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID–19;
>
> (ii) the individual has to quit his or her job as a direct result of COVID–19;
>
> (jj) the individual's place of employment is closed as a direct result of the COVID–19 public health emergency; or
>
> (kk) the individual meets any additional criteria established by the Secretary for unemployment assistance under this section[.]

15 U.S.C. § 9021(a)(3)(A)(ii)(I).

As a preliminary matter, it is important to note that the issue to be decided in this appeal, aside from the issue of claimant's late request for hearing addressed above, is whether claimant was eligible for PUA benefits by meeting the three requirements of 15 U.S.C. § 9021(a)(3)(A)(i)-(iii), such that she was a "covered individual." The questions of whether claimant filed or authorized someone else to file the initial or continued PUA claims, and whether claimant was overpaid benefits, are not directly at issue in this appeal.[1]

The record shows that claimant became unemployed in October 2020 because she quit her job with Sportsman Tavern in order to move to Idaho for personal reasons. Claimant testified that she wrote to her ex-husband in June 2026, after reviewing the information provided in the initial claim for PUA benefits, that information suggesting that she had "quit [her] job to stay home" with a child that had contracted COVID-19 was "a lie," and that she had actually "quit and put in [her] two weeks at the bar to move to Idaho." Transcript at 78–79. Claimant further wrote, "And [her] child never had COVID, [and claimant] [t]old the school we were pulling him out to move back to Idaho." Transcript at 79. Claimant explained at hearing that in October 2020 she had "had a hard time because [she] was stressing out over [her ex-husband] and things that were going on," and that her employer knew she had quit "in good standing because [she] had told them [she] was quitting." Transcript at 87. Claimant further testified that Sportsman Tavern "did not close because of COVID." Transcript at 89. The record does not suggest that claimant engaged in other employment or self-employment after separating from Sportsman Tavern and before June 12, 2021, the end of the last benefit week claimed.

[1] Records show that on April 17, 2026, claimant also filed a late request for hearing on an administrative decision assessing an $8,080 overpayment of PUA and related Federal Pandemic Emergency Compensation (FPUC) benefits (decision # 122032). However, that request for hearing was dismissed as late by Order No. 26-UI-328500, subject to claimant's right to renew the request by responding to an appellant questionnaire by May 12, 2026. The order became final on May 18, 2026, without claimant having filed an appellant questionnaire response or an application for review with EAB. Claimant may file a late application for review of Order No. 26-UI-328500 with EAB in accordance with OAR 471-041-0070 (May 13, 2019), if she desires. Claimant may also seek waiver of recovery of the overpayment by contacting the Department.

In considering claimant's testimony, it is evident that her unemployed status during each of the weeks claimed was not a direct result of any of the COVID-19 reasons enumerated in 15 U.S.C. § 9021(a)(3)(A)(ii)(I). Claimant therefore did not meet the requirement of 15 U.S.C. § 9021(a)(3)(A)(ii) to be considered a "covered individual" eligible for PUA benefits. Relatedly, because claimant did not become unemployed as a direct result of any of the enumerated COVID-19 reasons, she could not have provided documentary evidence of employment immediately preceding a qualifying event that rendered her unemployed, as required under 15 U.S.C. § 9021(a)(3)(A)(iii), because such a qualifying event had not occurred. Accordingly, claimant was not a "covered individual" within the meaning of the law, and was therefore ineligible for PUA benefits for the weeks of December 27, 2020 through June 12, 2021 (weeks 53-20 through 23-21).

DECISION: Order No. 26-UI-338841 is affirmed.

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

DATE of Service: October 26, 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 – 本判决会影响您的失业救济金。 如果您不明白本判决， 请立即联系就业上诉委员会。 如果您不同意此判决，您可以按照该判决结尾所写的说明，向俄勒冈州上诉法院提出司法复审申请。

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 ໄດ້ ໂດຍປະຕິບັດຕາມຄຳແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄຳຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فورا، 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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