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

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0868

Affirmed
Request for Hearing Dismissed due to No Justiciable Controversy

PROCEDURAL HISTORY: On June 22, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was eligible for Training Unemployment Insurance (TUI) benefits beginning April 1, 2026 (decision # L0018179840). On July 13, 2026, decision # L0018179840 became final without claimant having filed a request for hearing. On July 21 2026, claimant sent a letter to the Department requesting to appeal an overpayment of TUI benefits for the week of April 26 through May 2, 2026 (week 17-26). Claimant's letter did not request a hearing on decision # L0018179840, but the Department treated it as a request for hearing on that administrative decision.

ALJ Kangas considered claimant's request, an, on August 25, 2026 issued Order No. 26-UI-338199, concluding that because decision # L0018179840 was favorable to claimant, claimant's request for hearing presented no justiciable controversy and therefore was dismissed, leaving decision # L0018179840 undisturbed. On September 14, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant submitted a written argument with their application for review. In it, claimant explained that their purpose in sending the July 21, 2026 letter was to appeal an overpayment of TUI benefits for the week of April 26, 2026 through May 2, 2026 (week 17-26). Written Argument at 2. The record shows that on June 26, 2026, a Department representative informed claimant via Frances Online that a reexamination of claimant's TUI claim resulted in an overpayment for week 17-26. *See* Exhibit 2 at 7. The representative also informed claimant that "[i]f you disagree with the decision, the letter you receive will outline your appeal rights. I also encourage claimants to request a waiver for overpayments." Exhibit 2 at 7. However, a review of Department records does not show that the Department ever issued an administrative decision on the issue of the week 17-26 overpayment.

Under ORS 657.267, OAR 471-030-0039 (January 11, 2018), and principles of due process, claimant is entitled to an appealable administrative decision on the issue of the overpayment for week 17-26. However, an appeal of the administrative decision at hand, decision # L0018179840, is not an appropriate avenue through which to review the week 17-26 overpayment issue. Claimant is urged to

Level 3 - Restricted

contact the Department and specifically request an appealable administrative decision on the issue of the overpayment of TUI benefits for the week of April 26, 2026 through May 2, 2026 (week 17-26 on the 2026 claim calendar). Claimant may wish to make this request by both calling and speaking to a Department representative, and using Frances Online, such as by responding to the representative's message on Frances Online and specifically requesting that an administrative decision on the overpayment for week 17-26 be issued.

In addition, claimant may apply for a waiver of recovery of the week 17-26 overpayment. To apply for a waiver, claimant must fill out and submit an application. The Overpayment Waiver Application is available for download at https://unemployment.oregon.gov/uploads/docs/FORM129-EN.pdf
For more information on requesting a waiver, go to the following website:
https://unemployment.oregon.gov/overpayments

ADOPTION OF HEARING ORDER: EAB considered the entire hearing record, including witness testimony and any exhibits admitted as evidence. EAB agrees with Order No. 26-UI-338199's findings of fact, reasoning, and conclusion that claimant's request for hearing on decision # L0018179840 presents no justiciable controversy and therefore is dismissed. Order No. 26UI-338199 is **adopted**. *See* ORS 657.275(2).

DECISION: Order No. 26-UI-338199 is affirmed.

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

DATE of Service: October 30, 2026

NOTE: If paying back your overpayment would be a financial hardship, you may request an overpayment waiver. The Department may forgive the debt and stop collection efforts if you meet certain requirements. If you apply for a waiver but do not qualify for the waiver, other relief may be available. Other relief may include a temporary pause in collection efforts or a limit on how much your current benefits may be reduced due to the overpayment. It is important to apply for a waiver as soon as possible because waivers are not retroactive. This means that if the Department grants the waiver, you will not receive a refund of payments you have already made on the overpayment.
The Overpayment Waiver Application is available for download at https://unemployment.oregon.gov/uploads/docs/FORM129-EN.pdf
For more information on requesting a waiver go to https://unemployment.oregon.gov/overpayments.

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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