

**EMPLOYMENT APPEALS BOARD DECISION**  
**2014-EAB-0989**

*Affirmed*  
*Late Request for Hearing Dismissed*  
*Ineligible Weeks 06-14 through 09-14*

**PROCEDURAL HISTORY:** On March 10, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not able to work from February 2, 2014 through March 1, 2014 (weeks 06-14 through 09-14) (decision # 134401). On March 31, 2014, decision # 134401 became final without a timely request for a hearing having been filed. On April 15, 2014, claimant filed an untimely request for hearing. On April 25, 2014, ALJ Kangas issued Hearing Decision 14-UI-16043, dismissing claimant's hearing request as untimely, subject to claimant's "right to renew" the request by submitting a response to the "Appellant Questionnaire" attached to the hearing decision within 14 days of the date the decision was mailed.<sup>1</sup> On May 1, 2014, the Office of Administrative hearings (OAH) received claimant's response. ALJ Kangas reviewed claimant's response and on May 28, 2014, issued Hearing Decision 14-UI-18454, re-dismissing claimant's request for hearing. On June 9, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) On May 31, claimant began having trouble with her eyes. In November 2013, her vision began to decline. At the end of January 2014, claimant's employer laid her off. Claimant applied for and received unemployment benefits. (DR Exhibit 3).

(2) On March 10, 2014, the Department issued an administrative decision (decision # 134401) concluding that claimant was not able to work from February 2, 2014 through March 1, 2014 (weeks 06-14 through 09-14) because of claimant's vision problems.

(2) When claimant received the administrative decision, she did not understand it and did not realize she needed to appeal it. Claimant and her husband left school before completing their high school education; they subsequently received G.E.D.s Because of their level of education, claimant and her

<sup>1</sup> Hearing Decision 14-UI-16043.

husband found it difficult to do the paperwork connected with her unemployment claim. (DR Exhibit 3).

(3) In a letter dated March 12, 2014, claimant's doctor stated that claimant was legally blind. (DR Exhibit 3).

**CONCLUSIONS AND REASONS:** We agree with the ALJ that claimant failed to show good cause for filing a late request for hearing.

Under ORS 657.269, a request for hearing on an administrative decision must be filed within 20 days of the date on which the decision is mailed. The 20-day time limit may be extended a reasonable time upon a showing of good cause. ORS 657.875. "Good cause" for failing to file a timely hearing request exists if circumstances beyond the claimant's reasonable control or an excusable mistake prevented a timely filing. OAR 471-040-0010(1). Good cause does not include not understanding the implications of a decision, however. OAR 471-040-0010(1)(b). Accordingly, claimant's failure to understand the March 10, 2014 decision she received did not constitute good cause for filing a late hearing request.

**DECISION:** Hearing Decision 14-UI-18454 is affirmed.

Tony Corcoran and J.S. Cromwell;  
Susan Rossiter, not participating.

**DATE of Service:** June 17, 2014

**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 listed above. *See* ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem, Oregon 97310 or visit the website at [court.oregon.gov](http://court.oregon.gov). Once on the website, click on the blue tab for "Materials and Resources." On the next screen, click on the tab that reads "Appellate Case Info." On the next screen, select "Appellate Court Forms" from the left panel. On the next page, select the forms and instructions for the type of Petition for Judicial Review that you want to file.

**Please help us improve our service by completing an online customer service survey.** To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.