

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0606**

*Affirmed ~ Late Request for Hearing Dismissed*  
*Confirmada ~ La Aplicación Tardía Para Una Audiencia Es Rechazada*

***Este documento incluye información importante que no ha sido traducida al español. Llame a la Junta de Apelaciones de Empleo (EAB) al 503-378-2077 para obtener servicios de traducción gratuitos.<sup>1</sup>***

**PROCEDURAL HISTORY:** On April 15, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not able to work during the week of March 17, 2024 through March 23, 2024 (week 12-24) and was therefore ineligible to receive unemployment insurance benefits for that week and until the reason for the denial had ended (decision # L0003586179). On May 6, 2024, decision # L0003586179 became final without claimant having filed a request for hearing. On May 26, 2024, claimant filed a late request for hearing. ALJ Kangas considered the request, and on May 30, 2024 issued Order No. 24-UI-255316, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by June 13, 2024. On June 10, 2024, claimant filed a timely response to the appellant questionnaire. ALJ Kangas considered the response, and on August 6, 2024 issued Order No. 24-UI-261561, canceling Order No. 24-UI-255316, and re-dismissing claimant's request for hearing as late without good cause. On August 15, 2024, claimant filed an application for review of Order No. 24-UI-261561 with the Employment Appeals Board (EAB).

**HISTORIA PROCESAL:** El 15 de abril de 2024, el Departamento de Empleo de Oregon (el Departamento) mandó una decisión administrativa que concluía que el reclamante no pudo trabajar durante la semana del 17 de marzo de 2024 al 23 de marzo de 2024 (semana 12-24) y, por lo tanto, no era elegible para recibir beneficios del seguro de desempleo durante esa semana y hasta que terminara la razón para la denegación (decisión # L0003586179). El 6 de mayo de 2024, la decisión # L0003586179 se convirtió en final sin que el reclamante haya presentado una solicitud de audiencia. El 26 de mayo de 2024, el reclamante presentó una solicitud tardía de audiencia. ALJ Kangas consideró la

<sup>1</sup> This document includes important information that has not been translated into Spanish. Please call the Employment Appeals Board (EAB) at 503-378-2077 to obtain free translation services.

*solicitud y el 30 de mayo de 2024 emitió la Orden No. 24-UI-255316, desestimando la solicitud por ser tarde, sujeta al derecho del reclamante a renovar la solicitud respondiendo a un cuestionario del apelante antes del 13 de junio de 2024. El 10 de junio de 2024, el reclamante presentó una respuesta oportuna al cuestionario del apelante. ALJ Kangas consideró la respuesta y el 6 de agosto de 2024 emitió la Orden No. 24-UI-261561, cancelando la Orden No. 24-UI-255316 y volviendo a desestimar la solicitud de audiencia del reclamante por ser tardía sin causa justificada. El 15 de agosto de 2024, el reclamante presentó una solicitud de revisión de la Orden No. 24-UI-261561 ante la Junta de Apelaciones Laborales (EAB).*

**FINDING OF FACT:** (1) Decision # L0003586179, mailed to claimant’s address of record on file with the Department on April 15, 2024, stated, “You have the right to appeal our decision and request a hearing if you believe our decision is wrong. We must receive your request for a hearing no later than May 6, 2024.” Exhibit 1 at 1-2. Claimant’s request for hearing on decision # L0003586179 was filed on May 26, 2024.

**CONCLUSIONS AND REASONS:** Claimant’s late request for hearing is dismissed.

**CONCLUSIONES Y RAZONES:** *Se desestima la solicitud tardía de audiencia del reclamante.*

ORS 657.269 provides that the Department’s decisions become final unless a party files a request for hearing within 20 days after the date the decision is mailed. ORS 657.875 provides that the 20-day deadline may be extended a “reasonable time” upon a showing of “good cause.” OAR 471-040-0010 (February 10, 2012) provides that “good cause” includes factors beyond an applicant’s reasonable control or an excusable mistake, and defines “reasonable time” as seven days after those factors ceased to exist.

The request for hearing on decision # L0003586179 was due by May 6, 2024. Claimant’s request for hearing was filed on May 26, 2024, and therefore the request was late. The record does not show why the request was filed late.

Claimant filed a response to the appellant questionnaire. However, claimant did not answer any of the questions posed by the questionnaire or otherwise explain why the request for hearing was filed late. *See* Exhibit 3 at 5. Instead, claimant’s response included letters from medical providers dated from March 14, 2023 through October 3, 2023. Exhibit 3 at 12-14. The response therefore provided no insight as to what prevented the filing of claimant’s request for hearing by the May 6, 2024 deadline. Accordingly, good cause has not been shown to extend the deadline for timely filing, and claimant’s late request for hearing is dismissed.

**DECISION:** Order No. 24-UI-261561 is affirmed. *La Orden de la Audiencia 24-UI-261561 queda confirmada.*

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

**DATE of Service:** September 6, 2024

***FECHA de Servicio: el 6 de septiembre de 2024***

**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 Court of Appeals website at [courts.oregon.gov](https://courts.oregon.gov). Once on the website, use the 'search' function to search for 'petition for judicial review employment appeals board'. A link to the forms and information will be among the search results.

**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>. You can access the survey using a computer, tablet, or smartphone. If you are unable to complete the survey online and need a paper copy of the survey, please contact our office.

**NOTA:** *Usted puede apelar esta decisión presentando una solicitud de revisión judicial ante la Corte de Apelaciones de Oregon (Oregon Court of Appeals) dentro de los 30 días siguientes a la fecha de notificación indicada arriba. Vea ORS 657.282. Para obtener formularios e información, puede escribir a la Corte de Apelaciones de Oregon, Sección de Registros (Oregon Court of Appeals/Records Section), 1163 State Street, Salem, Oregon 97310 o visite el sitio web en [courts.oregon.gov](https://courts.oregon.gov). En este sitio web, hay información disponible en español.*

**Por favor, ayúdenos mejorar nuestros servicios completando un formulario de encuesta sobre nuestro servicio de atención al cliente.** Para llenar este formulario, puede visitar <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. Puede acceder a la encuesta usando una computadora, tableta, o teléfono inteligente. Si no puede llenar el formulario sobre el internet, puede comunicarse con nuestra oficina para una copia impresa de la encuesta.



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

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**  
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[www.Oregon.gov/Employ/eab](http://www.Oregon.gov/Employ/eab)

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