

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0005**

*Affirmed*  
*Late Request for Hearing Dismissed*

**PROCEDURAL HISTORY:** On September 6, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause and was disqualified from receiving benefits effective August 4, 2024 (decision # L0005950303).<sup>1</sup> On September 26, 2024, decision # L0005950303 became final without claimant having filed a request for hearing.

On November 20, 2024, claimant filed a late request for hearing on decision # L0005950303. ALJ Kangas considered claimant's request, and on December 9, 2024, issued Order No. 24-UI-276079, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by December 23, 2024. On December 23, 2024, the deadline passed without claimant providing an appellant questionnaire response. On December 24, 2024, claimant filed an application for review of Order No. 24-UI-276079 with the Employment Appeals Board (EAB). This matter comes before EAB based upon claimant's December 24, 2024, application for review of Order No. 24-UI-276079.

**WRITTEN ARGUMENT:** Claimant included with their application for review documents that bear on the merits of decision # L0005950303, but did not include an appellant questionnaire response. EAB considers the documents claimant included with their application for review to be a written argument. Under ORS 657.275(2) and OAR 471-041-0090(1)(b)(A) (May 13, 2019), EAB did not consider claimant's argument because it was not relevant and material to EAB's determination of whether to allow claimant's late request for hearing on decision # L0005950303. EAB also did not consider claimant's written argument when reaching this decision because they did not include a statement

<sup>1</sup> Decision # L0005950303 stated that claimant was denied benefits from August 18, 2024 to August 16, 2025. However, because decision # L0005950303 found that claimant separated from work on August 9, 2024, the decision should have stated that claimant was disqualified from receiving benefits beginning Sunday, August 4, 2024, and until they earned four times their weekly benefit amount. See ORS 657.176.

declaring that they provided a copy of their argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019).

**FINDINGS OF FACT:** (1) On September 6, 2024, the Department mailed decision # L0005950303 to claimant's address on file with the Department. Decision # L0005950303 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 **September 26, 2024.**" Exhibit 1 at 2 (emphasis in original).

(2) On November 20, 2024, claimant filed a late request for hearing on decision # L0005950303.

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

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 # L0005950303 was due by September 26, 2024. Claimant filed their request for hearing on November 20, 2024. The request for hearing was therefore late.

Claimant was given the opportunity to explain what factors, if any, prevented timely filing by responding to an appellant questionnaire within fourteen days of the date the order dismissing the request was mailed. Order No. 24-UI-276079 at 1. However, claimant failed to provide an appellant questionnaire response to OAH by that deadline. Claimant's application for review of Order No. 24-UI-276079 was timely, and so had claimant included an appellant questionnaire response with the application for review, EAB would have considered it. However, claimant also failed to provide a response to the appellant questionnaire with their application for review, instead including documents that bear on the merits of decision # L0005950303. This information is not relevant to EAB's determination of whether to allow claimant's late request for hearing.

Thus, claimant did not provide a response to the appellant questionnaire or any other explanation for why they failed to file their request for hearing on decision # L0005950303 by the September 26, 2024, deadline. The record therefore fails to show why the request for hearing was filed late. Accordingly, good cause has not been shown to extend the deadline to file the request for hearing on decision # L0005950303. For these reasons, claimant's late request for hearing on decision # L0005950303 is dismissed.

**DECISION:** Order No. 24-UI-276079 is affirmed.

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

**DATE of Service:** January 24, 2025

**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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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