

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0033-R

Request for Reconsideration Allowed
EAB Decision 2025-EAB-0033 Adhered to on Reconsideration
Late Application for Review Dismissed

PROCEDURAL HISTORY AND FINDINGS OF FACT: On June 10, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide identification verification in accordance with the Department's rules and therefore was ineligible to receive unemployment insurance benefits for the week of June 9, 2024 through June 15, 2024 (week 24-24) and until the reason for the denial had ended (decision # L0004507881).¹ On July 1, 2024, decision # L0004507881 became final without claimant having filed a request for hearing. On July 7, 2024, claimant filed a late request for hearing.

ALJ Kangas considered claimant's request, and on July 16, 2024, issued Order No. 24-UI-259101, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by July 30, 2024. On August 5, 2024, Order No. 24-UI-259101 became final without claimant having filed an application for review of Order No. 24-UI-259101 with the Employment Appeals Board (EAB). On January 12, 2025, claimant sent an email to EAB that was treated as a late application for review of Order No. 24-UI-259101.

On February 12, 2025, EAB issued EAB Decision 2025-EAB-0033, dismissing claimant's late application for review without prejudice, subject to claimant's right to request reconsideration and provide additional evidence to EAB regarding the reasons for the late filing. On March 2, 2025, claimant filed a timely request for reconsideration of EAB Decision 2025-EAB-0033.

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is claimant's reconsideration request, has been marked as EAB Exhibit 2, and provided to the parties with this decision. Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, saying

¹ Decision # L0004507881 stated that claimant was denied benefits beginning June 7, 2024. However, because June 7, 2024, was a Friday, decision # L0004507881 should have stated that claimant was ineligible to receive benefits beginning Sunday, June 9, 2024, which represents the beginning of the first full week after June 7, 2024.

why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the exhibit will remain in the record.

CONCLUSIONS AND REASONS: Claimant's request for reconsideration is allowed. EAB Decision 2025-EAB-0033 is followed upon reconsideration. Claimant's late application for review is dismissed.

Reconsideration Request. ORS 657.290(3) authorizes the Employment Appeals Board to reconsider any previous decision of the Employment Appeals Board, including "the making of a new decision to the extent necessary and appropriate for the correction of previous error of fact or law." "Any party may request reconsideration to correct an error of material fact or law, or to explain any unexplained inconsistency with Employment Department rule, or officially stated Employment Department position, or prior Employment Department practice." OAR 471-041-0145(1) (May 13, 2019). The request is subject to dismissal unless it includes a statement that a copy was provided to the other parties, and is filed on or before the 20th day after the decision sought to be reconsidered was mailed. OAR 471-041-0145(2).

EAB dismissed claimant's late application for review without prejudice and subject to claimant filing a timely request for reconsideration within 20 days after EAB's dismissal decision was issued. Claimant filed their request for reconsideration following the requirements set forth in OAR 471-041-0145. Therefore, EAB reconsidered EAB Decision 2025-EAB-0033.

Late Application for Review. An application for review is timely if it is filed within 20 days of the date that the Office of Administrative Hearings (OAH) mailed the order for which review is sought. ORS 657.270(6); OAR 471-041-0070(1) (May 13, 2019). The 20-day filing period may be extended a "reasonable time" upon a showing of "good cause." ORS 657.875; OAR 471-041-0070(2). "Good cause" means that factors or circumstances beyond the applicant's reasonable control prevented timely filing. OAR 471-041-0070(2)(a). A "reasonable time" is seven days after the circumstances that prevented the timely filing ceased to exist. OAR 471-041-0070(2)(b). A late application for review will be dismissed unless it includes a written statement describing the circumstances that prevented a timely filing. OAR 471-041-0070(3).

EAB Decision 2025-EAB-0033 asked claimant to explain why they did not file an application for review of Order No. 24-UI-259101 with EAB by the August 5, 2024, deadline. The EAB decision offered claimant an opportunity to show that factors beyond their reasonable control prevented them from filing by the August 5, 2024, deadline and that their January 12, 2025, late application for review was filed within a seven-day reasonable time of when those factors ended. Claimant did not provide information to show that.

In claimant's reconsideration request, claimant submitted information explaining that they did not promptly receive the Department's identity verification request in the first place. EAB Exhibit 2 at 2, 3. The request states that after becoming aware of the requirement to verify their identity, claimant made substantial efforts to comply, including by visiting a WorkSource office in Klamath Falls, Oregon while claimant was in the area for a medical appointment. EAB Exhibit 2 at 2, 3. The Department issued decision # L0004507881, denying claimant benefits for failing to verify her identity, on June 10, 2024. Claimant filed a request for hearing on the decision late, on July 7, 2024. Claimant's reconsideration request contains information suggesting that the late request for hearing may be attributed to difficulties

with mail delivery to claimant's Juneau, Alaska address, or to claimant and their husband's absence from home due to medical treatment or work responsibilities. EAB Exhibit 2 at 3.

However, claimant's late request for hearing and the merits of the identity verification issue are not the issues at hand. The specific issue at hand that must be addressed and resolved in claimant's favor before the late request for hearing or the merits of the identity verification issue may be reached is claimant's late application for review of Order No. 24-UI-259101. Only if claimant's reconsideration request contains information establishing good cause for their late application of review of that order may the late request for hearing or the merits of the identity verification issue be reached.

Claimant's July 7, 2024, late request for hearing on decision # L0004507881 caused OAH to issue Order No. 24-UI-259101. OAH mailed Order No. 24-UI-259101 to claimant's Juneau, Alaska address on July 16, 2024. The deadline to file an application for review of the order was August 5, 2024. Claimant did not meet that deadline. On January 12, 2025, claimant sent an email to EAB which EAB treated as a late application for review of Order No. 24-UI-259101.

Claimant's reconsideration request, though it contains a lot of information, does not explain either why claimant failed to appeal Order No. 24-UI-259101 by August 5, 2024, or why claimant filed their application on January 12, 2025 (rather than some earlier date). With respect to whether claimant filed an application for review during the timely filing window between July 16, 2024, and August 5, 2024, claimant's reconsideration request states only, "I sent multiple electronic messages and a written message to appeal their decision. However, I may not have sent it to the 'appeals board' but to the UI contact that I had." EAB Exhibit 2 at 18. This information is too vague to conclude that claimant filed a timely application for review. As to the dates that are listed in the reconsideration request that fall between July 16, 2024, and August 5, 2024, claimant wrote, "7/19/24- Received message from UI" and "7/28/2024 0-003-886-970 – Sent ID a second time," neither of which can be reasonably interpreted as an application for review to EAB. EAB Exhibit 2 at 4, 7, 12.

With respect to whether factors beyond claimant's control prevented them from filing an application for review by the August 5, 2024, deadline, the information contained in the reconsideration is vague and inconsistent. Claimant wrote that mailings to their Juneau, Alaska address are delayed six to twelve days and that the "information" was not sent to them "in a timely manner or clear manner." EAB Exhibit 2 at 17-18. However, a delay of a week or two in receiving the order does not explain why claimant waited to file an application for review until January 12, 2025, approximately six months after Order No. 24-UI-259101 was mailed. Moreover, when asked to specify the date claimant received Order No. 24-UI-259101, claimant said, "Not sure exactly, but February 2025," a date that does not make sense given that claimant filed their late application for review in *January* 2025. EAB Exhibit 2 at 17.

Thus, claimant's reconsideration request does not show that claimant filed a timely application for review, nor does it describe circumstances that prevented claimant from filing the application for review on time. For these reasons, claimant did not show good cause for the filing the late application for review.

For these reasons, there is not information to warrant modifying EAB Decision 2025-EAB-0033. EAB follows that decision on reconsideration, and claimant's late application for review remains dismissed.

DECISION: Claimant's request for reconsideration is allowed. EAB Decision 2025-EAB-0033 is adhered to on reconsideration. Order No. 24-UI-259101 remains undisturbed.

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

DATE of Service: March 28, 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.

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>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.



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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