

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0077**

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On August 30, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not available for work from July 21, 2024, to July 27, 2024 (week 30-24), and was therefore not eligible to receive benefits for that week (decision # L0005879192). Claimant filed a timely request for hearing. On October 18, 2024, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for October 30, 2024. On October 30, 2024, claimant failed to appear at the hearing, and ALJ Enyinnaya issued Order No. 24-UI-271453, dismissing claimant's request for hearing due to their failure to appear. On November 13, 2024, claimant filed a timely request to reopen the hearing.<sup>1</sup> ALJ Kangas considered claimant's request, and on January 15, 2025, issued Order No. 25-UI-279854, denying the reopen request as without good cause and leaving Order No. 24-UI-271453 undisturbed. On February 1, 2025, claimant filed an application for review of Order No. 25-UI-279854 with EAB.

**EVIDENTIARY MATTER:** Claimant submitted a one-page handwritten statement with their application for review of Order No. 25-UI-279854. The statement stated the reason that claimant failed to appear at the October 30, 2024, hearing.

The information regarding claimant's failure to appear at the hearing is not in the record that Order No. 25-UI-279854 relied upon in dismissing claimant's request to reopen the hearing. Claimant did not show that factors or circumstances beyond their reasonable control prevented them from offering the information with their November 13, 2024, reopen request as required by OAR 471-041-0090. Claimant's November 13, 2024, reopen request was a completed paper application for review form for Order No. 24-UI-271453, which, by operation of OAR 471-041-0060(4), was treated as a request to reopen. It was required for claimant to provide the information stating why they failed to appear at the October 30, 2024, hearing with the November 13, 2024, reopen request. It is not sufficient to provide the information with claimant's application for review of Order No. 25-UI-279854.

<sup>1</sup> Claimant filed a timely application for review of Order No. 24-UI-271453 at EAB, which was treated as a request to reopen the hearing as required by OAR 471-041-0060(4) (May 13, 2019).

Therefore, EAB cannot consider the one-page handwritten statement when deciding whether to allow claimant's reopen request. EAB considered only information received into evidence by the order under review when reaching this decision.

**FINDINGS OF FACT:** (1) On October 18, 2024, OAH served notice of a hearing scheduled for October 30, 2024. On October 30, 2024, claimant failed to appear at the hearing, and ALJ Enyinnaya issued Order No. 24-UI-271453, dismissing claimant's request for hearing due to their failure to appear.

(2) Under the "Appeal Rights" section of Order No. 24-UI-271453, the order stated as follows:

If you did not appear at the hearing, you may request to reopen the hearing. These requests are governed by OAR 471-040-0040 and 471-040-0041 and should be filed with the Office of Administrative Hearings. Your request to reopen the hearing must: 1) be in writing; 2) show good cause for failing to appear at the hearing; "Good cause" exists when an action, delay, or failure to act arises from an excusable mistake or from factors beyond an applicant's reasonable control; and 3) either be filed within 20 days of when the order from the hearing you missed was mailed, or else show good cause to extend the period to request reopening of your case, and show that you filed your reopen request within seven days of when those factors or circumstances ceased to exist. Include all information regarding your reopen request that you want the Administrative Law Judge to consider when deciding whether to grant your reopen request. Requesting to reopen a hearing with the Office of Administrative Hearings is not the same as seeking review of the order by the Employment Appeals Board.

Exhibit 4 at 2. The order also stated on its certificate of mailing, **"If you failed to appear for the hearing, you may request that your case be reopened. For directions regarding reopening, please refer to the enclosed information."** Exhibit 4 at 3 (emphasis in original).

(3) Order No. 24-UI-271453 included an attached paper form that could be completed and submitted as an application for review of the order to EAB. The form included the following note:

If your request for hearing was dismissed because you failed to appear at the hearing, your application for review will be treated as a request to reopen under OAR 471-041-0060(4) (October 26, 2009). You must include a statement explaining why you failed to appear or your request will be dismissed. Unless your statement shows good cause for failing to appear at the hearing, your request will be denied.

Exhibit 5 at 2.

(4) On November 13, 2024, claimant mailed to EAB a completed paper application for review form for Order No. 24-UI-271453. Exhibit 5 at 2. By operation of OAR 471-041-0060(4), the application for review was treated as a request to reopen. The reopen request did not include a statement explaining why claimant failed to appear at the October 30, 2024, hearing. EAB forwarded the reopen request to OAH. Exhibit 5 at 1.

(5) On January 15, 2025, ALJ Kangas issued Order No. 25-UI-279854, denying the November 13, 2024, reopen request as without good cause and leaving Order No. 24-UI-271453 undisturbed.

(6) On February 1, 2025, claimant filed an application for review of Order No. 25-UI-279854 with EAB.

**CONCLUSIONS AND REASONS:** Claimant's request to reopen the hearing is denied.

ORS 657.270(5) provides that any party who failed to appear at a hearing may request to reopen the hearing, and the request will be allowed if it was filed within 20 days of the date the hearing decision was issued and shows good cause for failing to appear. "Good cause" exists when the requesting party's failure to appear at the hearing arose from an excusable mistake or from factors beyond the party's reasonable control. OAR 471-040-0040(2) (February 10, 2012). The party requesting reopening shall set forth the reason(s) for missing the hearing in a written statement, which the Office of Administrative Hearings (OAH) shall consider in determining whether good cause exists for failing to appear at the hearing. OAR 471-040-0040(3).

Claimant did not appear at the October 30, 2024, hearing, and filed a request to reopen that hearing within 20 days of when the order dismissing their request for hearing was issued. Claimant's reopen request was therefore timely. However, claimant's request to reopen did not include a statement explaining why they failed to appear at the October 30, 2024, hearing. No admissible information is otherwise available to explain why claimant failed to appear at the hearing. Claimant therefore did not show that they had good cause for failing to appear at the hearing, and claimant's request to reopen the hearing is denied.

**DECISION:** Order No. 25-UI-279854 is affirmed.

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

**DATE of Service:** March 4, 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.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**

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Website: [www.Oregon.gov/employ/pages/employment-appeals-board.aspx](http://www.Oregon.gov/employ/pages/employment-appeals-board.aspx)

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