

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0143**

*Affirmed*  
*Late Request for Hearing Dismissed*

**PROCEDURAL HISTORY:** On July 16, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was ineligible for benefits from June 13 through August 23, 2024, a school recess period, because claimant was likely to return to work for the employer after the break, and their wages and/or hours with other employers were not sufficient to entitle them to benefits during the break (decision # L0005363522). On August 5, 2024, decision # L0005363522 became final without claimant having filed a request for hearing. On August 21, 2024, claimant filed a late request for hearing. ALJ Kangas considered claimant's request, and on November 26, 2024, issued Order No. 24-UI-274913, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by December 10, 2024. On December 4, 2024, claimant filed a timely response to the appellant questionnaire. ALJ Kangas considered claimant's response, and on February 25, 2025, issued Order No. 25-UI-284159, re-dismissing claimant's request for hearing as late without good cause, leaving decision # L0005363522 undisturbed. On March 1, 2025, claimant filed an application for review of Order No. 25-UI-284159 with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Decision # L0005363522, mailed to claimant's address of record on file with the Department on July 16, 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 **August 5, 2024.**" Exhibit 1 at 1-2 (emphasis in original).

(2) On August 19, 2024, a Department representative noted on claimant's account, "Sent to Support Chat-can manual appeal be sent in for Reasonable Assurance denial?" Exhibit 2 at 5. A different representative sent a request for hearing on decision # L0005363522 to the Office of Administrative Hearings, which stated that claimant filed the request by telephone on August 21, 2024. Exhibit 2 at 1-3.

**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 # L0005363522 was due by August 5, 2024. Claimant's request for hearing was filed on August 21, 2024, and was therefore late. Claimant wrote in their appellant questionnaire response that they received decision # L0005363522 on November 30, 2024. Exhibit 3 at 2. However, as this was four days after Order No. 24-UI-274913 was mailed, and more than three months after claimant inquired of the Department about appealing decision # L0005363522, it is reasonable to infer that claimant was referring to the date they received Order No. 24-UI-274913, rather than decision # L0005363522. Claimant's response did not otherwise suggest that decision # L0005363522 was not timely delivered to them.

Claimant also wrote in their questionnaire response, "I did not file a hearing request (appeal)," and when asked, "What prompted you to file your hearing request (appeal) on the day it was filed?" claimant responded, "I knew nothing about filing a hearing request (appeal)." Exhibit 3 at 2-3. When asked why their appeal had not been filed by the deadline, claimant wrote, "I was never told I had to file a hearing request (appeal)." Exhibit 3 at 3. Given claimant's responses, it is possible that claimant simply intended to inquire about appealing decision # L0005363522 on or around August 19, 2024, but did not consider the inquiry to be a request for hearing, though the Department may have construed it as such and filed a hearing request on claimant's behalf on August 21, 2024. It is therefore somewhat unclear whether claimant desired, or currently desires, a hearing on decision # L0005363522. Nevertheless, the record fails to demonstrate why claimant was prevented from filing a request for hearing by August 5, 2024, and good cause therefore has not been shown to extend the deadline for timely filing. Accordingly, claimant's late request for hearing is dismissed.

**DECISION:** Order No. 25-UI-284159 is affirmed.

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

**DATE of Service:** March 27, 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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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 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**

Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711

Email: [appealsboard@employ.oregon.gov](mailto:appealsboard@employ.oregon.gov)

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

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