

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0165**

*Affirmed*  
*Late Request for Hearing Dismissed*

**PROCEDURAL HISTORY:** On June 6, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was denied benefits for the week of May 26, 2024 to June 1, 2024 (week # 22-24) because she did not actively seek work (decision # L0004501434). On June 26, 2024, decision # L0004501434 became final without claimant having filed a request for hearing. On September 30, 2024, claimant filed a late request for hearing. ALJ Kangas reviewed claimant's request, and on November 20, 2024 issued Order No. 24-UI-273979, dismissing the request as late, subject to claimant's right to renew the request and respond to an appellant questionnaire, or provide the Office of Administrative Hearings (OAH) additional information about her late request for hearing, by December 4, 2024.

On or about November 30, 2024, claimant filed a timely application for review of Order No. 24-UI-273979 with the Employment Appeals Board (EAB) that was forwarded to OAH as a timely renewal of her late request for hearing on decision # L0004501434. ALJ Scott considered claimant's renewal of her request for hearing, and on February 21, 2025 issued Order No. 25-UI-283754, cancelling Order No. 24-UI-273979 and re-dismissing claimant's request as late without a showing of good cause. On March 7, 2025, claimant filed a timely application for review of Order No. 25-UI-283754 with EAB.

**WRITTEN ARGUMENT:** On March 18, 2025, claimant submitted a written argument containing additional evidence about her late request for hearing on decision # L0004501434. EAB did not consider the evidence because claimant failed to establish that factors or circumstances beyond her reasonable control prevented her from offering the evidence into the hearing record when she renewed her late request for hearing with OAH. *See* OAR 471-041-0090(1)(b)(B) (May 13, 2019). EAB did not consider the rest of claimant's written argument because it was not material to whether claimant's late request for hearing should be allowed. *See* OAR 471-041-0090(1)(b)(A).

**FINDINGS OF FACT:** (1) Decision #L0004501434 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 **June 26**,

**2024.** If you make your request late, you may still get your hearing if the hearings officer decides that you have proven good cause for not requesting a hearing on time.

Exhibit 1 at 1-2 (emphasis in original).

(2) Claimant stated in her late request for hearing on decision # L0004501434 that her reason for appealing was that:

I have a medical condition that was preventing me from working full-time at the time that I was applying for insurance, but I was cleared to work part-time with restrictions. I continue to be under a doctor's care for this condition. I am aware that I am appealing late, but I recently identified issues that have caused me to be denied because I was dealing with many different processes all at the same time.

Exhibit 2 at 4.

(3) Claimant did not respond to the appellant questionnaire attached to Order No. 24-UI-273979, or otherwise provide additional information about her late request for hearing on decision # L0004501434, when she renewed her late request for hearing with OAH.

**CONCLUSIONS AND REASONS:** Claimant's late request for hearing on decision # L0004501434 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 ended.

Claimant's late request for hearing on decision # L0004501434 was due by June 26, 2024. Because claimant did not file her request for hearing until September 30, 2024, her request for hearing was late. Claimant stated in her late request for hearing that she was under a doctor's care for a "medical condition," and that she was appealing late because she recently "identified issues" that caused her to be denied benefits because she was "dealing with many different processes all at the same time." That information was not enough to show that claimant failed to file a timely request for hearing due factors beyond her reasonable control, or due to an excusable mistake within the meaning of OAR 471-040-0010.

Claimant did not respond to the appellant questionnaire attached to Order No. 24-UI-273979, or otherwise provide additional information about her late request for hearing on decision # L0004501434, when she renewed her late request for hearing. As a result, claimant has failed to show that her request for hearing was late due to an excusable mistake or factors beyond her reasonable control, and that it was filed within seven days after those factors ended. Claimant therefore failed to establish good cause for her late request for hearing, or that it was filed within a reasonable time.

Claimant's late request for hearing on decision # L0004501434 is dismissed.

**DECISION:** Order No. 25-UI-283754 is affirmed.

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

**DATE of Service:** March 21, 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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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