

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0212**

*Reversed*  
*Request for Hearing Timely Filed*  
*Merits Hearing Required*

**PROCEDURAL HISTORY:** On April 26, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant had failed to verify their identity in accordance with the Department's rules and was ineligible for benefits beginning February 25, 2024 (decision # L0003819552). On May 16, 2024, decision # L0003819552 became final without the Department having received what they recognized as a request for hearing on decision # L0003819552. On January 29, 2025, claimant filed a late request for hearing on decision # L0003819552. ALJ Kangas considered claimant's request, and on February 7, 2025 issued Order No. 25-UI-282373, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by February 21, 2025. On February 24, 2025, claimant filed a late response to the appellant questionnaire. On March 18, 2025, ALJ Kangas issued Order No. 25-UI-286446, declining to consider claimant's response to the appellant questionnaire because it was late, and re-dismissing claimant's late request for hearing on decision # L0003819552. On April 7, 2025, claimant filed a timely application for review of Order No. 25-UI-286446 with the Employment Appeals Board (EAB).

**EVIDENTIARY MATTER:** EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence consists of claimant's late request for hearing on another administrative decision, claimant's response to the appellant questionnaire in that matter, and attachments filed with that response. EAB has taken notice of this evidence, which is contained in Employment Department records. This evidence has been marked as EAB Exhibit 1 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, stating 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.

**FINDINGS OF FACT:** (1) On April 26, 2024, the Department mailed decision # L0003819552 to claimant's address on file with the Department. Decision # L0003819552 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 **May 16, 2024.**" Exhibit 1 at 1 (emphasis in original).

(2) Also on April 26, 2024, the Department issued another administrative decision, # L0003744075, to claimant, relating to a different eligibility issue. At that time, claimant did not understand that the two administrative decisions were addressing different eligibility issues. Exhibit 3 at 4.

(3) On May 9, 2024, claimant sent the Department a message via Frances Online. The message included a subject line reading, "request for appeal [hearing]," referenced decision # L00003819552, stated that claimant's claims for a series of weeks were denied "because [claimant] did not respond to [a] mailed letter to verify [their] ID," and indicated when claimant was available for a hearing. EAB Exhibit 1 at 7. On May 25, 2024, a Department representative responded to claimant's message and advised claimant how to file a request for hearing via Frances Online. EAB Exhibit 1 at 8.

(4) On May 28, 2024, claimant filed a request for hearing via Frances Online. Claimant stated in their request for hearing, in relevant part: "Was notified that benefits were denied because I did not verify ID. I do not remember getting a letter requesting ID verification. Would like to be able to provide ID verification and get previously denied benefits." EAB Exhibit 1 at 4. The Department construed this filing as a request for hearing on decision # L0003744075. EAB Exhibit 1 at 1.

**CONCLUSIONS AND REASONS:** Order No. 25-UI-286446 is reversed and this matter remanded for a hearing on the merits of decision # L00003819552.

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.

OAR 471-040-0005(1) (July 15, 2018) states, "A Request for hearing may be filed on forms provided by the Employment Department or similar offices in other states. Use of the form is not required provided the party specifically requests a hearing or otherwise expresses a present intent to appeal and it can be determined what issue or decision is being appealed."

The request for hearing on decision # L00003819552 was due by May 16, 2024. Claimant filed a request for hearing on that decision on January 29, 2025, which was late. However, the record shows that claimant also filed a timely request for hearing on decision # L00003819552 on May 9, 2024. On that date, claimant sent the Department a message on Frances Online, referencing the decision number explicitly, stating which weeks of benefits had been denied by that decision, and indicating when they were available for a hearing on the matter. The Department responded some time later with instructions

on how claimant should file their appeal, suggesting that the Department did not recognize claimant's May 9, 2024 message as a request for hearing.

Nevertheless, claimant's May 9, 2024 message complies with the requirements of OAR 471-040-0005(1). By stating in the subject line that they wished to appeal, and specifying both the decision number of the administrative decision *and* the type of issue addressed in the decision, claimant provided sufficient information for the Department to have determined both that claimant was seeking an appeal and the decision that claimant sought to appeal. As such, claimant's May 9, 2024 message was a valid request for hearing on decision # L00003819552. Further, because it was filed prior to the May 16, 2024 deadline, it was timely.

For the above reasons, claimant filed a timely request for hearing on decision # L00003819552. Claimant is therefore entitled to a hearing on the merits of that decision.

**DECISION:** Order No. 25-UI-286446 is set aside, and this matter remanded for further proceedings consistent with this order.

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

**DATE of Service:** May 7, 2025

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-286446 or return this matter to EAB. Only a timely application for review of the subsequent order will cause this matter to return to EAB.

**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.

**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)

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.