
EO: Interstate
BYE: 07-Jun-2025

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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MC 000.00
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<p>EMPLOYMENT APPEALS BOARD DECISION 2025-EAB-0226</p>
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Affirmed
Late Requests to Reopen Denied

PROCEDURAL HISTORY: On July 9, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was denied benefits for the week of June 9, 2024, through June 15, 2024, because she did not actively seek work that week (decision # L0005028908). On July 31, 2024, the Department served notice of an administrative decision denying claimant benefits from June 13, 2024, through August 23, 2024, because claimant worked for an educational institution and her hours and wages from other employers were not enough to allow her to establish a claim for benefits during the recess period (decision # L0005425930). Claimant filed timely requests for hearing on decisions # L0005028908 and L0005425930.

On November 4, 2024, the Office of Administrative Hearings (OAH) served notice of a hearing on decision # L0005028908 scheduled for November 18, 2024. On November 18, 2024, claimant failed to appear at the hearing, and ALJ Scott issued Order No. 24-UI-273713, dismissing claimant's request for hearing on decision # L0005028908 due to claimant's failure to appear. On November 25, 2024, OAH served notice of a hearing on decision # L0005425930 scheduled for December 12, 2024. On December 12, 2024, claimant failed to appear at the hearing, and ALJ Scott issued Order No. 24-UI-276438, dismissing claimant's request for hearing on decision # L0005425930 due to her failure to appear. On December 9, 2024, Order No. 24-UI-273713 became final without claimant having filed a request to reopen the November 18, 2024, hearing on decision # L0005028908. On January 2, 2025, Order No. 24-UI-276438 became final without claimant having filed a request to reopen the December 12, 2024, hearing on decision # L0005425930.

On January 27, 2025, claimant filed late requests to reopen the hearings on decisions # L0005028908 and L0005425930. ALJ Kangas considered the requests, and on April 9, 2025, issued Orders No. 25-UI-288946 and 25-UI-288947, dismissing the requests as late without a showing of good cause, leaving Orders No. 24-UI-273713 and 24-UI-276438 undisturbed. On April 14, 2025, claimant filed timely applications for review of Orders No. 25-UI-288946 and 25-UI-288947 with the Employment Appeals Board (EAB). EAB combined its review of Orders No. 25-UI-288946 and 25-UI-288947 under OAR

471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2025-EAB-0227 and 2025-EAB-0226).

WRITTEN ARGUMENT: EAB did not consider claimant's argument because it was not relevant and material to EAB's determination of whether claimant's requests to reopen the hearings on decisions # L0005028908 and L0005425930 should be denied as late without good cause. ORS 657.275(2) and OAR 471-041-0090(1)(b)(A) (May 13, 2019).

FINDING OF FACT: Claimant has not explained why her requests to reopen the hearings on decisions # L0005028908 and L0005425930 were late.

CONCLUSIONS AND REASONS: Claimant's requests to reopen the hearings on decisions # L0005028908 and L0005425930 are denied as late without a showing of good cause. Orders No. 24-UI-273713 and 24-UI-276438 remain undisturbed. Decisions # L0005028908 and L0005425930 also remain undisturbed.

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. The period within which a party may request reopening may be extended if the party requesting reopening has good cause for failing to request reopening within the time allowed, and acts within a reasonable time. OAR 471-040-0041(1) (February 10, 2012). "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. OAR 471-040-0041(2). "A reasonable time," is seven days after the circumstances that prevented a timely filing ceased to exist. OAR 471-040-0041(3). The party requesting reopening shall set forth the reason(s) for filing a late request to reopen in a written statement, which OAH shall consider in determining whether good cause exists for the late filing, and whether the party acted within a reasonable time. OAR 471-040-0041(4).

The deadline for claimant to file a request to reopen the hearing on decision # L0005028908 was December 9, 2024. The deadline for her to file a request to reopen the hearing on decision # L0005425930 was January 2, 2025. Claimant did not file her requests to reopen the hearings until January 27, 2025. Claimant's requests to reopen the hearings therefore were late. Claimant did not explain why her requests to reopen were late as required under OAR 471-040-0041(4). She therefore failed to establish good cause for filing them late, and that she filed them within a reasonable time.

Claimant's late requests to reopen the hearing on decisions # L0005028908 and L0005425930 therefore are denied.

DECISION: Orders No. 25-UI-288946 and 25-UI-288947 are affirmed. Orders No. 24-UI-273713 and 24-UI-276438 remain undisturbed. Decisions # L0005028908 and L0005425930 also remain undisturbed.

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

DATE of Service: April 25, 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.

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

Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

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