

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0228-R

Request for Reconsideration Allowed
EAB Decision 2025-EAB-0228 Adhered to on Reconsideration
Late Application for Review Dismissed

PROCEDURAL HISTORY: On July 30, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant had failed to verify their identification with the Department and was not eligible for benefits beginning July 29, 2024 (decision # L0005348827). On August 19, 2024, decision # L0005348827 became final without claimant having filed a request for hearing.

On September 3, 2024, claimant filed a late request for hearing on decision # L0005348827. ALJ Kangas considered claimant's request, and on March 11, 2025, issued Order No. 25-UI-285569, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by March 25, 2025. On March 31, 2025, Order No. 25-UI-285569 became final without claimant having filed a response to the appellant questionnaire or an application for review with the Employment Appeals Board (EAB). On April 16, 2025, claimant filed a late application for review with EAB. On April 18, 2025, claimant filed a late response to the appellant questionnaire with EAB.

On April 28, 2025, EAB issued EAB Decision 2025-EAB-0228, dismissing claimant's late application for review for review without prejudice, subject to claimant's right to request reconsideration and provide additional evidence to EAB regarding the reasons for the late filing of the application for review. On May 15, 2025, claimant filed a timely request for reconsideration of EAB Decision 2025-EAB-0228.

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is claimant's reconsideration request, has been marked as EAB Exhibit 3, 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) Order No. 25-UI-285569, mailed to claimant on March 11, 2025, stated, “You may appeal this decision by filing the attached form Application for Review with the Employment Appeals Board within 20 days of the date that this decision is mailed.” Order No. 25-UI-285569 at 2. Order No. 25-UI-285569 also stated on its Certificate of Mailing, “Any party may appeal this Order by filing a Request for Review with the Employment Appeals Board no later than March 31, 2025.”

(2) On March 19, 2025, claimant traveled to Boston, Massachusetts to visit family due to their father’s illness. EAB Exhibit 3 at 2, 9, 11. Order No. 25-UI-285569 arrived in claimant’s mail while they were away in Boston. EAB Exhibit 3 at 11

(3) On April 3, 2025, claimant returned to Oregon and retrieved their mail, including Order No. 25-UI-285569. EAB Exhibit 3 at 11.

(4) On April 16, 2025, claimant filed a late application for review of Order No. 25-UI-285569. Claimant did not file until April 16, 2025, because they were recovering from their trip and “dealing with family issues and a sick elderly father.” EAB Exhibit 3 at 11.

CONCLUSIONS AND REASONS: Claimant’s request for reconsideration is allowed. EAB Decision 2025-EAB-0228 is adhered to on reconsideration. Claimant’s late application for review of Order No. 25-UI-285569 is dismissed.

Reconsideration. ORS 657.290(3) authorizes the Employment Appeals Board to reconsider any previous decision of the Employment Appeals Board, including “the making of a new decision to the extent necessary and appropriate for the correction of previous error of fact or law.” “Any party may request reconsideration to correct an error of material fact or law, or to explain any unexplained inconsistency with Employment Department rule, or officially stated Employment Department position, or prior Employment Department practice.” OAR 471-041-0145(1) (May 13, 2019). The request is subject to dismissal unless it includes a statement that a copy was provided to the other parties, and is filed on or before the 20th day after the decision sought to be reconsidered was mailed. OAR 471-041-0145(2).

EAB dismissed claimant’s late application for review without prejudice and subject to claimant filing a timely request for reconsideration within 20 days after EAB’s dismissal decision was issued. Claimant filed their request for reconsideration following the requirements set forth in OAR 471-041-0145. The request for reconsideration is therefore allowed.

Late Application for Review. An application for review is timely if it is filed within 20 days of the date that the Office of Administrative Hearings (OAH) mailed the order for which review is sought. ORS 657.270(6); OAR 471-041-0070(1) (May 13, 2019). The 20-day filing period may be extended a “reasonable time” upon a showing of “good cause.” ORS 657.875; OAR 471-041-0070(2). “Good cause” means that factors or circumstances beyond the applicant’s reasonable control prevented timely filing. OAR 471-041-0070(2)(a). A “reasonable time” is seven days after the circumstances that prevented the timely filing ended. OAR 471-041-0070(2)(b). A late application for review will be dismissed unless it includes a written statement describing the circumstances that prevented a timely filing. OAR 471-041-0070(3).

The application for review of Order No. 25-UI-285569 was due by March 31, 2025. Because claimant did not file their application for review until April 16, 2025, the application for review was late.

Claimant established good cause to extend the deadline to file their application for review to April 3, 2025. This is so because from March 19, 2025, through April 3, 2025, claimant was not present in Oregon to receive Order No. 25-UI-285569 due to their trip to Boston. This constituted a circumstance beyond claimant's reasonable control that prevented timely filing by the March 31, 2025, deadline. However, upon claimant's return home on April 3, 2025, claimant retrieved their mail, including Order No. 25-UI-285569. Therefore, the circumstances that prevented timely filing ended on April 3, 2025.

Claimant did not file their application for review within a seven-day "reasonable time" of April 3, 2025. Instead, claimant filed their application for review on April 16, 2025, which was more than seven days after April 3, 2025. Claimant did not file until April 16, 2025, because they were recovering from their trip and "was dealing with family issues and a sick elderly father." EAB Exhibit 3 at 11. However, based on available information, it is not evident that claimant's fatigue from traveling or difficulties relating to their father's illness prevented them from filing within seven days of April 3, 2025. Therefore, claimant did not show that their late application for review should be allowed because, although they established good cause to extend the deadline to file their application for review to April 3, 2025, they did not file within a "reasonable time."

Accordingly, EAB adheres to EAB Decision 2025-EAB-0228 on reconsideration, and claimant's late application for review remains dismissed.

DECISION: Claimant's request for reconsideration is allowed. EAB Decision 2025-EAB-0228 is adhered to on reconsideration. Order No. 25-UI-285569 remains undisturbed..

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

DATE of Service: June 16, 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.

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

ទោរទៅ – តម្រូវការនេះមិនមែនជាភារកិច្ចរបស់រដ្ឋនោះទេ បើសិនជាលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

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 الإستئناف 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.

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 Email: appealsboard@employ.oregon.gov
 Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

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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.