

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0231**

*Late Application for Review Dismissed*

**PROCEDURAL HISTORY:** On October 13, 2020, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause and was disqualified from receiving benefits effective March 15, 2020 (decision # 112338). On November 2, 2020, decision # 112338 became final without claimant having filed a request for hearing. On December 16, 2020, claimant filed a late request for hearing. ALJ Kangas considered 's claimant's request, and on December 28, 2020, issued Order No. 20-UI-158269, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by January 11, 2021. On January 11, 2021, claimant filed a timely response to the appellant questionnaire. On February 2, 2021, the Office of Administrative Hearings (OAH) mailed a letter stating that Order No. 20-UI-158269 was vacated and that a hearing would be scheduled to determine whether to allow claimant's late request for hearing and, if so, the merits of decision # 112338.

On May 4, 2022, ALJ Messecar convened a hearing and issued Order No. 22-UI-192923, concluding that claimant withdrew his request for hearing, dismissing the request and leaving decision # 112338 undisturbed. On May 24, 2022, Order No. 22-UI-192923 became final without claimant having filed an application for review with the Employment Appeals Board (EAB). On November 13, 2023, claimant filed a late application for review of Order No. 22-UI-192923 with EAB. On December 26, 2023, EAB issued EAB Decision 2023-EAB-1252, dismissing claimant's application for review without prejudice. On January 8, 2024, claimant filed a timely request for reconsideration of EAB Decision 2023-EAB-1252. On February 12, 2024, EAB issued EAB Decision 2023-EAB-1252-R, allowing claimant's request for reconsideration and claimant's late application for review, setting aside Order No. 22-UI-192923 and remanding for a hearing on whether to allow claimant's late request and, if so, the merits of decision # 112338.

On August 8, 2024, OAH served notice of a hearing scheduled for August 28, 2024. On August 28, 2024, ALJ Janzen conducted a hearing at which employer appeared and claimant failed to appear. On August 29, 2024, ALJ Janzen issued Order No. 24-UI-264196, concluding that claimant's request for hearing on decision # 112338 had been timely and affirming decision # 112338 on the merits by

concluding that claimant quit working for the employer without good cause and was disqualified from receiving benefits effective March 15, 2020.

On September 3, 2024, claimant filed a timely request to reopen the August 28, 2024, hearing. On March 20, 2025, ALJ Janzen conducted a hearing, and on March 21, 2025, issued Order No. 25-UI-286893, denying claimant's request to reopen the hearing as without good cause. On April 10, 2025, Order No. 25-UI-286893 became final without claimant having filed an application for review with the Employment Appeals Board (EAB). On April 16, 2025, claimant filed a late application for review of Order No. 25-UI-286893 with EAB.

**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 application for review, which includes a written statement that 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(s) will remain in the record.

**FINDING OF FACT:** (1) Order No. 25-UI-286893, mailed to claimant on March 21, 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-286893 at 5. Order No. 25-UI-286893 also stated on its Certificate of Mailing, "Any appeal from this Order must be filed on or before April 10, 2025, to be timely."

**CONCLUSIONS AND REASONS:** Claimant's late application for review of Order No. 25-UI-286893 is dismissed.

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 ceased to exist. 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-286893 was due April 10, 2025. Because claimant did not file their application for review until April 16, 2025, the application for review was late. Claimant provided a written statement with his application for review. Claimant stated on his application "I need to have the opportunity to have my case heard. I was told by the review the board that I could have my case heard and the judge blocked me." EAB Exhibit 1. Claimant is correct that EAB remanded the case for a hearing on whether claimant's late request for hearing should be allowed and, if so, the merits of decision # 112338. EAB Decision 2023-EAB-1252-R. However, claimant's argument that a judge "blocked" him from having the case heard is not correct. A hearing was held on remand August 28, 2024, by ALJ Janzen, at which claimant failed to appear. After a hearing on the merits, ALJ Janzen

concluded that claimant's request for hearing had been timely and he affirmed decision # 112338 on August 29, 2024, in Order No. 24-UI-264196. Claimant filed a timely request to reopen that hearing, and on March 20, 2025, claimant had a hearing on whether there was good cause to have the August 28, 2024, hearing reopened. Claimant appeared and participated in that hearing. On March 21, 2025, ALJ Janzen concluded there was not good cause to reopen the August 28, 2024, and on March 21, 2025, issued Order No. 25-UI-286893, denying claimant's request to reopen the hearing. Order No. 25-UI-286893 became final on April 10, 2025. Aside from stating that claimant needs to have his case heard and was "blocked" from doing so, claimant's written statement does not describe circumstances preventing him from filing the application for review by the April 10, 2025, deadline. Accordingly, claimant did not show good cause for the late application for review, and his late application for review is dismissed.

**DECISION:** The application for review filed April 16, 2025 is dismissed. Order No. 25-UI-286893 remains 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 باتباع 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**

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