

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0248**

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

**PROCEDURAL HISTORY:** On February 14, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged for misconduct and therefore was disqualified from receiving unemployment insurance benefits effective January 19, 2025 (decision # L0009280598).<sup>1</sup> Claimant received notice of the decision on February 13, 2025, via their Frances Online account. On February 13 and 14, 2025, claimant requested a hearing on decision # L0009280598 by sending messages to the Department via their Frances Online account. However, the Department did not recognize messages as hearing requests, and, on March 6, 2025, decision # L0009280598 was treated as having become final without claimant having filed a request for hearing. On March 21, 2025, claimant filed another request for hearing, which the Department treated as a late request for hearing.

ALJ Kangas considered claimant's March 21, 2025, request, and on April 9, 2025, issued Order No. 25-UI-288931, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by April 23, 2025. On April 24, 2025, claimant filed a late response to the appellant questionnaire and a timely application for review of Order No. 25-UI-288931 with the Employment Appeals Board (EAB). This matter comes before EAB based upon claimant's April 24, 2025, application for review of Order No. 25-UI-288931.

**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 appellant questionnaire response, which 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

<sup>1</sup> Decision # L0009280598 stated that claimant was denied benefits from January 19, 2025 to January 24, 2026. However, decision # L0009280598 should have stated that claimant was disqualified from receiving benefits beginning Sunday, January 19, 2025 and until they earned four times their weekly benefit amount. See ORS 657.176.

EAB in writing, saying 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 February 13, 2025, claimant received notice of decision # L0009280598 via their Frances online account. Decision # L0009280598 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 **March 6, 2025.**” Exhibit 1 at 2 (emphasis in original).

(2) On February 13, 2025, after receiving notice of decision # L0009280598, claimant sent the Department a message stating, “I want a hearing on this denial of unemployment.” EAB Exhibit 1 at 10.

**CONCLUSIONS AND REASONS:** Claimant filed a timely request for hearing and is entitled to a hearing on the merits of decision # L0009280598.

Under OAR 471-040-0005(1) (July 15, 2018), “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 deadline to file a request for hearing on decision # L0009280598 was March 6, 2025. Because claimant filed their request for hearing on the administrative decision on February 13, 2025, claimant filed a timely request for hearing.

The information submitted by claimant shows that on February 13, 2025, after receiving notice of decision # L0009280598, claimant sent the Department a message stating, “I want a hearing on this denial of unemployment.” EAB Exhibit 1 at 10.

By stating “I want a hearing on this denial of unemployment[,]” claimant expressed a present intent to appeal. It can be determined that the decision claimant wished to appeal is decision # L0009280598, because claimant referenced their denial of unemployment insurance benefits, and the effect of decision # L0009280598 was to disqualify claimant from receiving benefits effective January 19, 2025. Thus, on February 13, 2025, claimant expressed to the Department, via Frances Online, a present intent to appeal decision # L0009280598 and that constituted a timely request for hearing on decision # L0009280598.

Order No. 25-UI-288931 therefore is reversed, and claimant is entitled to a hearing on the merits of decision # L0009280598.

**DECISION:** Order No. 25-UI-288931 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 22, 2025

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-288931 or return this matter to EAB. Only a timely application for review of the subsequent order will cause this matter to return to EAB.

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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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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