

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0278

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On November 14, 2024, the Oregon Employment Department (the Department) served notice of a Wage and Potential Benefit Report concluding that claimant's weekly benefit amount was \$227 with a maximum benefit amount of \$5,902 (decision # L0007189035). On November 25, 2024, decision # L0007189035 became final without claimant having filed a request for hearing.

On January 26, 2025, claimant filed a late request for hearing on decision # L0007189035. ALJ Scott considered claimant's request, and on April 18, 2025, issued Order No. 25-UI-290004, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by May 2, 2025. On May 8, 2024, claimant filed a timely application for review of Order No. 25-UI-290004 with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB did not consider claimant's arguments because they were not relevant and material to EAB's determination of whether to allow claimant's late request for hearing on decision # L0007189035. ORS 657.275(2) and OAR 471-041-0090(1)(b)(A) (May 13, 2019).

FINDINGS OF FACT: (1) Decision # L0007189035, mailed to claimant's address on file with the Department on November 14, 2024, 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 **November 25, 2024.**" Exhibit 1 at 2 (emphasis in original).

(2) On January 26, 2025, claimant submitted a filing on Frances Online that they may have intended to be an application for review of a hearing order issued in a different case, Order No. 25-UI-280546, a case involving claimant's work separation from Nectar Markets LLC. The filing was treated as an application for review of that matter, and on May 23, 2025, EAB issued EAB Decision 2025-EAB-0284,

which reversed and remanded the matter to the Office of Administrative Hearings (OAH) for further development of the record.¹

(3) The Department also construed the January 26, 2025, filing as a late request for hearing on decision # L0007189035. ALJ Scott considered claimant's request, and on April 18, 2025, issued Order No. 25-UI-290004, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by May 2, 2025. Claimant did not submit a response to the appellant questionnaire.

(4) On May 8, 2024, claimant filed a timely application for review of Order No. 25-UI-290004 with EAB.²

CONCLUSIONS AND REASONS: Claimant's late request for hearing is dismissed.

ORS 657.266(5) provides that the Department's initial determination on a new claim for benefits becomes final unless a party files a request for hearing within 10 days after the date the determination is mailed. ORS 657.875 provides that the 10-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.

The request for hearing on decision # L0007189035 was due by November 25, 2024. Because claimant filed their request for hearing on January 26, 2025, the hearing request was late.

Department records show that claimant submitted their January 26, 2025, Frances Online filing to file an application for review of a hearing order issued in a different case, Order No. 25-UI-280546, a case that involved claimant's work separation from Nectar Markets, LLC. Therefore, it is possible that claimant did not intend for the January 26, 2025, filing to be construed as a request for hearing on decision # L0007189035.

However, to the extent that claimant intended for the January 26, 2025, Frances Online filing to also be a request for hearing on decision # L0007189035, claimant was given the opportunity to explain what factors prevented timely filing by responding to an appellant questionnaire within fourteen days of the date the order dismissing the late hearing request was mailed. Claimant failed to file an appellant questionnaire response by that deadline, or at all. Though claimant submitted written arguments on May 8 and 13, 2025, those materials were all directed to claimant's application for review of Order No. 25-UI-280546 and did not offer any information regarding claimant's late request for hearing in this case.

¹ EAB has taken notice of the facts contained in this paragraph, which are contained in Employment Department records. OAR 471-041-0090(1). 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 noticed facts will remain in the record.

² Claimant emailed the application for review form to EAB among numerous other documents intended as written argument for EAB to consider in its review of Order No. 25-UI-280546, involving claimant's work separation from Nectar Markets LLC.

The record otherwise fails to show why the request for hearing was filed late. Accordingly, good cause does not exist to extend the deadline for filing the request.

For these reasons, claimant's late request for hearing on decision # L0007189035 is dismissed.

DECISION: Order No. 25-UI-290004 is affirmed.

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

DATE of Service: June 10, 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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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.