

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0281**

*Affirmed*  
*Request to Reopen Denied*

**PROCEDURAL HISTORY:** On February 7, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause, disqualifying claimant from receiving benefits effective December 22, 2024 (decision # L0009240152).<sup>1</sup> Claimant filed a timely request for hearing. On March 7, 2025, notice was mailed to the parties that a hearing was scheduled for March 20, 2025. On March 20, 2025, claimant failed to appear at the hearing, and ALJ Murray issued Order No. 25-UI-286856, dismissing claimant's request for hearing due to her failure to appear. On March 31, 2025, claimant filed a timely request to reopen the hearing. On April 17, 2025, the Office of Administrative Hearings (OAH) mailed a letter to the parties stating that Order No. 25-UI-286856 was vacated and that a hearing would be scheduled to determine whether to allow claimant's request to reopen and, if so, the merits of decision # L0009240152. On May 5, 2025, ALJ Murray conducted a hearing and issued Order No. 25-UI-291389, denying claimant's request to reopen and re-dismissing claimant's request for hearing due to her previous failure to appear.<sup>2</sup> On May 10, 2025, claimant filed an application for review of Order No. 25-UI-291389 with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** EAB did not consider claimant's written arguments because she did not state that she provided a copy of her arguments to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019).

<sup>1</sup> Decision # L0009240152 stated that claimant was denied benefits from December 29, 2024 to January 10, 2026. However, as decision # L0009240152 concluded that claimant quit on Sunday, December 22, 2024, it should have stated that claimant was disqualified from receiving benefits beginning December 22, 2024, and until she earned four times her weekly benefit amount. *See* ORS 657.176.

<sup>2</sup> Order No. 25-UI-291389 stated that Order No. 25-UI-286856 remained undisturbed, but, as it had previously been vacated by OAH, Order No. 25-UI-291389 had the effect of re-dismissing claimant's request for hearing. Order No. 25-UI-291389 at 3.

**FINDINGS OF FACT:** (1) On March 7, 2025, OAH mailed notice of a telephone hearing scheduled for March 20, 2025, at 10:45 a.m. to claimant's address on file. The notice stated, "At the time of the hearing, you must call 1-877-622-4041. . . If you requested the hearing and you do not call **1-877-622-4041** at the time set for your hearing, the hearing will be dismissed." Exhibit 1 at 1 (emphasis in original).

(2) Claimant received the notice shortly after it was mailed, "skimmed it, noticed the date and time," and put it in a safe deposit box at a bank. Audio Record at 7:29. Claimant intended to appear for the hearing but did not read the portion of the notice stating that she had to call in and enter an access code.

(3) At some point prior to the March 20, 2025, hearing, claimant received a voicemail from a Department employee, stating that if she "didn't answer the phone by this date, by this time, that they were going to close [her] case." Audio Record at 7:45. Claimant "assumed" from this message and from not "reading the paper fully" that OAH would call her at the time of the hearing. Audio Record at 8:00.

(4) On March 20, 2025, claimant stayed home from work in order to participate in the hearing and expected OAH to call at 10:45 a.m. Claimant did not appear at the hearing for this reason. Later that day, Order No. 25-UI-286856 was issued, dismissing claimant's request for hearing due to her failure to appear.

(5) On March 31, 2025, claimant filed a timely request to reopen the hearing.

**CONCLUSIONS AND REASONS:** Claimant's request to reopen the March 20, 2025, hearing is denied.

ORS 657.270(5) states 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. "Good cause" exists when the requesting party's failure to appear at the hearing arose from an excusable mistake or from factors beyond the party's reasonable control. OAR 471-040-0040(2) (February 10, 2012). The party requesting reopening must state the reason(s) for missing the hearing in a written statement, which the Office of Administrative Hearings (OAH) shall consider in determining whether good cause exists for failing to appear at the hearing. OAR 471-040-0040(3).

Claimant's request to reopen was filed within 20 days of the date Order No. 25-UI-286856 was issued, and contained a written statement explaining why she missed the hearing. Therefore, the request met threshold requirements for consideration.

Claimant failed to appear at the March 20, 2025, hearing because she did not understand that she was required to call and provide an access code at the time of the hearing, rather than the ALJ calling her. The procedure for participating in the hearing, including an advisement that if claimant failed to call at the appointed time her request for hearing would be dismissed, was stated in the notice of hearing. Claimant testified that she received the notice in advance of the hearing and planned to appear, but only "skimmed" the notice and did not read the portion regarding the requirement that she call in. Audio Record at 7:29.

Claimant also testified that she received a voicemail from a Department employee, apparently at some point between receiving the notice and the March 20, 2025, hearing date, stating that she must answer her phone by a certain day and time or “they were going to close [her] case.” Audio Record at 7:45. In her request to reopen, claimant provided additional detail about this voicemail, naming the caller, and writing that the voicemail stated that her case would be closed if she “didn’t answer the phone call by 3 p.m. the following day.” Exhibit 3 at 1. This suggests that an adjudicator had left the voicemail about a claim issue unrelated to the administrative decision under appeal. Claimant cited her confusion regarding this voicemail and not “reading the [notice of hearing] fully” for causing her to mistakenly believe that she did not need to call in to appear at the hearing. Audio Record at 8:00.

Claimant was not prevented from attending the hearing by a circumstance beyond her reasonable control, as fully reading the notice of hearing was within her control. Furthermore, while claimant failed to attend the hearing due to a mistake, it was not an “excusable mistake” within the meaning of the administrative rules because it did not, for example, raise a due process issue, and was not the result of inadequate notice, reasonable reliance on another, or the inability to follow directions despite substantial efforts to comply. Accordingly, claimant has not shown good cause for failing to appear at the hearing, and her request to reopen the March 20, 2025, hearing therefore is denied.

**DECISION:** Order No. 25-UI-291389 is affirmed.

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

**DATE of Service:** June 11, 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](mailto:appealsboard@employ.oregon.gov)

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