

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0305

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On August 30, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged by the employer for misconduct and disqualified from receiving benefits beginning June 2, 2024 (decision # L0005857496).¹ On September 19, 2024, decision # L0005857496 became final without claimant having filed a request for hearing. On September 30, 2024, claimant filed a late request for hearing. ALJ Kangas considered claimant's request, and on November 20, 2024 issued Order No. 24-UI-273990, dismissing the request as late without a showing of good cause, subject to claimant's right to renew their request by filing a response to an appellant questionnaire by December 4, 2024.

On December 10, 2024, Order No. 24-UI-273990 became final without claimant having filed a response to the appellant questionnaire with OAH or an application for review of Order No. 24-UI-273990. On April 12, 2025, claimant filed a late response to the appellant questionnaire with the Office of Administrative Hearings (OAH). On April 29, 2025, ALJ Kangas issued Order No. 25-UI-290953, re-dismissing claimant's late request for hearing on decision # L0005857496 because claimant's response to the appellant questionnaire was late. On May 13, 2025, claimant filed a timely application for review of Order No. 25-UI-290953 with the Employment Appeals Board (EAB).

EVIDENTIARY MATTER: With their application for review of Order No. 25-UI-290953, claimant offered evidence about their late request for hearing that was not received into the hearing record. However, claimant failed to show, as required under OAR 471-041-0090(1)(b)(B) (May 13, 2019), that factors or circumstances beyond their reasonable control prevented them from offering the evidence into the hearing record in a timely response to the appellant questionnaire attached to Order No. 25-UI-273990. Nor did claimant offer the evidence into the record before EAB with a timely application for review of Order No. 24-UI-273990. EAB therefore did not consider the evidence when reaching this decision. *See* OAR 471-041-0090.

¹ Decision # L0005857496 stated that claimant was denied benefits from June 2, 2024 to July 19, 2025. However, decision # L0005857496 should have stated that claimant was disqualified from receiving benefits beginning June 2, 2024 and until they earned four times their weekly benefit amount. *See* ORS 657.176.

FINDINGS OF FACT: (1) Decision # L0005857496 stated, “We made this decision on August 30, 2024, and it becomes final unless we receive a request for a hearing by September 19, 2024.” Exhibit 1 at 1. Decision # L0005857496 further stated, “We must receive your request for a hearing no later than **September 19, 2024.**” Exhibit 1 at 2 (Emphasis in original).

(2) In their late request for hearing, claimant stated, “The reason for appeal is due to both financial hardship and due to non-intentional consequences due to economic factors (interest rate/cost of housing) causing to extend commuting from CA to Oregon for the past 3.5 years compromising my ability to relocate my family in a safe and affordable manner.” Exhibit 2.

(3) On December 10, 2024, Order No. 24-UI-273990 dismissing claimant’s late request for hearing became final without claimant having filed a response to the appellant questionnaire with OAH or an application for review of Order No. 24-UI-273990.

CONCLUSIONS AND REASONS: Order No. 25-UI-290953 is affirmed. Claimant’s late request for hearing on decision # L0005857496 is dismissed.

ORS 657.269 states that the Department’s decisions become final unless a party files a request for hearing within 20 days after the date the decision is mailed. ORS 657.875 states that the 20-day deadline may be extended a “reasonable time” upon a showing of “good cause.” OAR 471-040-0010 (February 10, 2012) states 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 ended.

A request for hearing on decision # L0005857496 was due September 19, 2024. Because claimant did not file their request for hearing until September 30, 2024, the request was late. Claimant’s statement in their request for hearing did not show that the request was late due to factors beyond claimant’s reasonable control or an excusable mistake, and that it was filed within seven days after those factors ended. Claimant did not provide additional information about their late request for hearing in a timely response to the appellant questionnaire attached to Order No. 24-UI-273990. Nor did claimant provide additional information with a timely application for review of Order No. 24-UI-273990. Absent such information, claimant failed to show good cause for their late request for hearing, and that the request was filed within a reasonable time.

Claimant’s late request for hearing on decision # L0005857496 therefore is dismissed.

DECISION: Order No. 25-UI-290953 is affirmed. Decision # L0005857496 remains undisturbed.

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

DATE of Service: June 4, 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.

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