

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0322

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On December 20, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and therefore was disqualified from receiving unemployment insurance benefits effective November 3, 2024 (decision # L0007805939).¹ On January 9, 2025, decision # L0007805939 became final without claimant having filed a request for hearing. On March 17, 2025, claimant filed a late request for hearing on decision # L0007805939.

ALJ Kangas considered claimant's request, and, on March 20, 2025, issued Order No. 25-UI-286752, 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 3, 2025. On April 2, 2025, claimant filed a timely response to the appellant questionnaire. On April 18, 2025, the Office of Administrative Hearings (OAH) mailed a letter stating that Order No. 25-UI-286752 was vacated and that a new hearing would be scheduled to determine whether claimant had good cause to file the late request for hearing and, if so, the merits of decision # L0007805939. On May 9, 2025, ALJ Honea conducted a hearing, and on May 14, 2025, issued Order No. 25-UI-292210, re-dismissing claimant's hearing request on decision # L0007805939 as late without good cause and leaving that decision undisturbed. On June 3, 2025, claimant filed an application for review of Order No. 25-UI-292210 with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Decision # L0007805939, mailed to claimant's address on file with the Department on December 20, 2024, stated, "You have the right to appeal our decision and request a

¹ Decision # L0007805939 stated that claimant was denied benefits from November 17, 2024, to November 15, 2025. However, as decision # L0007805939 stated that the work separation occurred on November 8, 2024, the decision should have stated that claimant was disqualified from receiving benefits beginning Sunday, November 3, 2024, and until he earned four times his weekly benefit amount. See ORS 657.176.

hearing if you believe our decision is wrong. We must receive your request for a hearing no later than **January 9, 2025.**” Exhibit 1 at 15 (emphasis in original).

(2) Decision # L0007805939 also stated, “You may request a hearing in one of the following ways,” and under bullet points, listed multiple methods for filing a hearing request, including filing via Frances Online. Exhibit 1 at 16.

(3) Claimant received decision # L0007805939 in the mail in the first week of January 2025. When he received it, he read the administrative decision, understood he was being denied benefits, and did not agree with it. Claimant saw the January 9, 2025, deadline to appeal and noted that the deadline was “pretty close.” Audio Record at 14:41. Claimant saw the decision’s reference to the methods to appeal but did not file a request for hearing at that time.

(4) Claimant misplaced the copy of decision # L0007805939 he received in the mail. Though he had read the decision and saw its reference to Frances Online as a method to appeal, and had access to Frances Online via his phone, he was confused as to how to proceed.

(5) In February or early March 2025, claimant went to a WorkSource office for assistance and was told to call the Department. Claimant then called the Department and a representative told him how to file a request for hearing through his Frances Online account.

(6) On March 17, 2025, claimant filed a late request for hearing using Frances Online.

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

ORS 657.269 provides 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 provides that the 20-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 deadline to file a request for hearing on decision # L0007805939 was January 9, 2025. Because claimant did not file his request for hearing until March 17, 2025, the request was late.

Claimant did not have good cause to file the late request for hearing. Claimant received decision # L0007805939 in the first week of January 2025. The first week of January 2025 was a mixture of the last few days of December 2024 and the beginning of January 2025, and ended January 4, 2025. To the extent this week is what is meant by the first week of January 2025, claimant would have received decision # L0007805939 by January 4, 2025, and there would be no good cause to extend the January 9, 2025, deadline to appeal. This is because claimant would have received the decision within the 20-day timeframe to appeal and be in a position to request a hearing if he so wished since upon receipt he read the decision, understood he was being denied benefits, disagreed with the decision, and saw the decision’s reference to the methods to appeal, including via Frances Online.

Even if claimant had received decision # L0007805939 in the first full week of January 2025, which ended January 11, 2025, he did not file the late request for hearing within a reasonable time. In that scenario, claimant's non-receipt of the decision would have been a factor beyond his reasonable control preventing a timely filing. Upon receipt on, at latest, January 11, 2025, the circumstances beyond claimant's reasonable control preventing a timely filing would have ended because claimant read the decision, understood he was being denied benefits, disagreed with the decision, and saw the decision's reference to the methods to appeal including via Frances Online. From there, claimant would be required to file his late request for hearing within a seven-day "reasonable time" after, at the latest, January 11, 2025. Claimant failed to do this because he did not file his late request for hearing until March 17, 2025.

After claimant received and read decision # L0007805939, he misplaced his copy of the decision and became confused how to proceed. That claimant lost his copy of the decision and became confused did not constitute factors beyond his reasonable control preventing a timely filing. Before misplacing the decision, claimant received it, read it, and was in a position to request a hearing if he wished. Claimant saw decision # L0007805939's reference to Frances Online as a method to appeal, and could have filed a request for hearing via that method, as he had access to Frances Online through his phone.

That claimant lost his copy of decision # L0007805939 and became confused were likely mistakes on claimant's part. However, they were not "excusable mistakes" within the meaning of the administrative rules because they did not, for example, raise a due process issue, and were not the result of inadequate notice, reasonable reliance on another, or the inability to follow directions despite substantial efforts to comply.

Even if claimant established good cause, the deadline in this matter could only have been extended a "reasonable time," which is seven days after the circumstances that prevented a timely filing ended. If, for sake of argument, claimant's losing of his copy of the decision and becoming confused constituted factors beyond his reasonable control that prevented a timely filing, claimant did not establish that he filed his appeal within seven days of when those factors ended.

Claimant went to a WorkSource office for assistance in late February or early March 2025, and they told him to call the Department. Claimant then called the Department and a representative told him how to file a request for hearing through his Frances Online account. At that point, any confusion regarding how to appeal would have been resolved and the factors preventing a timely filing would have ended. However, claimant did not file his late request for hearing until March 17, 2025. At hearing, claimant testified that he could not "remember the exact date" he spoke to the Department representative. Audio Record at 20:54. Claimant therefore did not establish that his March 17, 2025, filing date was within seven days of when the representative told him how to file a request for hearing through his Frances Online account. Accordingly, even if claimant's losing of his copy of the decision and confusion constituted good cause, he did not establish that he filed his late request for hearing within seven days of when the circumstances that prevented a timely filing ended.

For the above reasons, claimant did not show good cause for filing his request for hearing late, and his late request for hearing must therefore be dismissed.

DECISION: Order No. 25-UI-292210 is affirmed.

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

DATE of Service: June 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 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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