

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0351

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On March 27, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not actively seeking work during the week of March 9, 2025, through March 15, 2025 (week 11-25) and was therefore ineligible to receive unemployment insurance benefits for that week (decision # L0010017781). Claimant filed a timely request for hearing. On April 14, 2025, notice was mailed to claimant that a hearing was scheduled for April 28, 2025. On April 28, 2025, claimant failed to appear for the hearing, and ALJ Murdock issued Order No. 25-UI-290708, dismissing the request for hearing due to claimant's failure to appear. On May 3, 2025, claimant filed a timely request to reopen the hearing. ALJ Kangas considered the request, and on May 29, 2025, issued Order No. 25-UI-293467, denying the request to reopen and leaving Order No. 25-UI-290708 undisturbed. On June 7, 2025, claimant filed an application for review of Order No. 25-UI-293467 with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB did not consider the portions of claimant's argument relating to a work separation because it was not relevant and material to EAB's determination of whether the April 28, 2025, hearing should be reopened. ORS 657.275(2) and OAR 471-041-0090(1)(b)(A) (May 13, 2019).¹ EAB considered the portion of claimant's argument relevant to this appeal.

FINDINGS OF FACT: (1) On April 14, 2025, notice was mailed to claimant's address of record that a hearing was scheduled for April 28, 2025, at 9:30 a.m. Claimant received the notice prior to the date of the hearing.

(2) Claimant "misfiled" either the notice or a reminder to attend the hearing derived from it. Exhibit 5 at 1. Claimant did not attend the April 28, 2025, hearing for that reason, and Order No. 25-UI-290708, issued that day, dismissed claimant's request for hearing.

¹ This appeal relates only to the decision denying claimant benefits for the week of March 9, 2025 through March 15, 2025 (week 11-25) for failing to actively seek work that week. Claimant must separately pursue appeals of any other issues affecting the claim, such as a disqualification based on a work separation.

(3) On May 3, 2025, claimant filed a request to reopen the April 28, 2025, hearing that included a written statement explaining why they missed the hearing.

CONCLUSIONS AND REASONS: Claimant's request to reopen the April 28, 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 the order dismissing the request for hearing was issued, and contained a written statement describing the reason claimant missed the hearing. Therefore, claimant's request met the threshold requirements for consideration.

Claimant wrote in the request to reopen, "I am sorry I missed my appointment. I misfiled it and was devastated when I realized it." Exhibit 5 at 1. Claimant clarified this to some degree in their written argument to the Employment Appeals Board (EAB), stating, "My reason for missing my court date is that I transposed the date. I have been so stressed out during the course of leaving my workplace." Claimant's Argument at 2. It is reasonable to infer from these statements that claimant either misplaced the notice of hearing, or a reminder to attend the hearing that claimant created after receiving the notice, and missed the hearing for that reason.

Although claimant's "misfil[ing]" of the notice of hearing or mis-calendaring a reminder to attend was likely the result of a mistake on claimant's part, 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, good cause for failing to appear has not been shown, and claimant's request to reopen the April 28, 2025, hearing regarding decision # L0010017781 is denied.

DECISION: Order No. 25-UI-293467 is affirmed.

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

DATE of Service: June 26, 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

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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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