

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0359

Affirmed
Late Request to Reopen Denied

PROCEDURAL HISTORY: On July 23, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged for misconduct and was therefore disqualified from receiving unemployment insurance benefits effective June 16, 2024 (decision # L0005287946).¹ Claimant filed a timely request for hearing. On August 21, 2024, notice was mailed to the parties that a hearing was scheduled for September 5, 2024. On September 5, 2024, claimant failed to appear for the hearing, and on September 11, 2024, ALJ Monroe issued Order No. 24-UI-265750, dismissing claimant's request for hearing due to their failure to appear. On October 1, 2024, Order No. 24-UI-265750 became final without claimant having filed a request to reopen the hearing. On April 23, 2025, claimant filed a late request to reopen the hearing. ALJ Kangas considered the request, and on May 23, 2025, issued Order No. 25-UI-293107, denying claimant's late request to reopen and leaving Order No. 24-UI-265750 undisturbed. On June 11, 2025, claimant filed an application for review of Order No. 25-UI-293107 with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) On August 21, 2024, notice was mailed to claimant at the address listed on the request for hearing, stating that a hearing was scheduled for September 5, 2024, at 3:30 p.m.

(2) Claimant did not receive the notice of hearing because they were "in the process of relocating" and their "old mailbox was closed up and [claimant] wasn't receiving [their] mail." Exhibit 5 at 1. Claimant had not provided an updated address to the Office of Administrative Hearings (OAH) following closure of the mailbox. Claimant missed the September 5, 2024, hearing due to not receiving this notice.

(3) On September 11, 2024, Order No. 24-UI-265750 was issued, dismissing claimant's request for hearing due to their failure to appear. Order No. 24-UI-265750 was mailed to the same address as the

¹ Decision # L0005287946 stated that claimant was denied benefits from June 16, 2024 to June 21, 2025. However, decision # L0005287946 should have stated that claimant was disqualified from receiving benefits beginning Sunday, June 16, 2024, and until they earned four times their weekly benefit amount. See ORS 657.176.

notice of hearing, and for that reason, claimant did not receive it. Order No. 24-UI-265750 became final on October 1, 2024, without claimant having filed a request to reopen the hearing.

(4) On April 22, 2025, claimant contacted OAH to inquire about the status of their appeal. OAH emailed a copy of Order No. 24-UI-265750 to claimant.

(5) On April 23, 2025, claimant filed a late request to reopen the hearing, which included a written statement explaining why they missed the hearing and why the request was filed late.

CONCLUSIONS AND REASONS: Claimant's late request to reopen the September 5, 2024, 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. The period within which a party may request reopening may be extended if the party has good cause for failing to request reopening within the time allowed, and acts within a reasonable time. OAR 471-040-0041(1) (February 10, 2012). "Good cause" exists when an action, delay, or failure to act arises from an excusable mistake or from factors beyond an applicant's reasonable control. OAR 471-040-0041(2). "A reasonable time," is seven days after the circumstances that prevented a timely filing ended. OAR 471-040-0041(3). The party requesting reopening must state the reason(s) for filing a late request to reopen in a written statement, which OAH shall consider in determining whether good cause exists for the late filing, and whether the party acted within a reasonable time. OAR 471-040-0041(4).

Good cause to extend the filing deadline does not include "[f]ailure to receive a document due to not notifying the Employment Department or Office of Administrative Hearings of an updated address while the person is claiming benefits or if the person knows, or reasonably should know, of a pending appeal." OAR 471-040-0041(2)(b)(A).

The request to reopen the September 5, 2024, hearing was due by October 1, 2024. Claimant filed their request to reopen on April 23, 2025, and it was therefore late. Claimant wrote in the request, "I had to move from where I was living, was in the process of relocating, my old mailbox was closed up and I wasn't receiving my mail. I have been staying with my parents." Exhibit 5 at 1. As the notice of hearing and Order No. 24-UI-265750 were mailed to the same address, it is reasonable to infer that claimant failed to receive both documents because of the move to claimant's parents' home. Claimant's failure to receive these documents caused claimant to miss the hearing and prevented them from filing the request to reopen by the October 1, 2024, deadline.

Claimant did not assert, and the record does not otherwise suggest, that claimant attempted to notify OAH of the change in address between the time the request for hearing was filed and the issuance of Order No. 24-UI-265750. As claimant knew of a pending appeal at the time of the address change, which occurred during that period, the failure to notify OAH of the change precludes a finding of good cause to extend the filing deadline under OAR 471-040-0041(2)(b)(A).² Accordingly, claimant's late

² A similar provision, OAR 471-040-0040(2)(b)(A), would preclude a finding of good cause for claimant failing to appear at the hearing, had the merits of the request to reopen been reached.

request to reopen the September 5, 2024, hearing is denied, and Order No. 24-UI-265750 remains undisturbed.

DECISION: Order No. 25-UI-293107 is affirmed.

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

DATE of Service: June 27, 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

Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

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