

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0362

Reversed
Late Request for Hearing Allowed
Merits Hearing Required

PROCEDURAL HISTORY: On April 4, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work during the weeks of March 9, 2025, through March 29, 2025 (weeks 11-25 through 13-25) and was therefore ineligible to receive unemployment insurance benefits during those weeks (decision # L0010124192). On April 24, 2025, decision # L0010124192 became final without claimant having filed a request for hearing. On May 8, 2025, claimant filed a late request for hearing on decision # L0010124192. ALJ Kangas considered claimant's request, and on May 14, 2025, issued Order No. 25-UI-292206, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by May 28, 2025.

On May 30, 2025, claimant filed a response to the appellant questionnaire. On June 5, 2025, ALJ Kangas issued Order No. 25-UI-294113, canceling Order No. 25-UI-292206, finding that claimant had failed to file their appellant questionnaire response by the deadline of May 28, 2025, re-dismissing claimant's request for hearing as late without a showing of good cause, and leaving decision # L0010124192 undisturbed. On June 13, 2025, claimant filed an application for review of Order No. 25-UI-294113 with the Employment Appeals Board (EAB).

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence consists of excerpts of decision # L0010019935, the hearing referral cover sheet for that decision, and Order No. 25-UI-291755, all documents relating to UI Case No. 2025-UI-33480. This evidence has been marked as EAB Exhibit 1 and provided to the parties with this decision. Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, saying why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the exhibit will remain in the record.

FINDINGS OF FACT: (1) On March 18, 2025, the Department issued decision # L0010019935, concluding that claimant had failed to register for work in accordance with the Department's rules, and

therefore was ineligible for benefits effective March 9, 2025. EAB Exhibit 1 at 2. On March 22, 2025, claimant filed a timely request for hearing on decision # L0010019935. EAB Exhibit 1 at 1.

(2) On April 4, 2025, the Department mailed decision # L0010124192, which denied claimant benefits for the weeks of March 9, 2025, through March 29, 2025, to claimant's address on file with the Department. Decision # L0010124192 stated, "You have the right to appeal our decision and request a hearing if you believe our decision is wrong. We must receive your request for a hearing no later than **April 24, 2025.**" Exhibit 1 at 1–2 (emphasis in original).

(3) On April 4, 2025, claimant received decision # L0010124192. However, because claimant had already filed a request for hearing on decision # L0010019935, they believed they did not need to file another request for hearing and were "unaware" that they were required to file separate requests for hearing on each administrative decision they wished to appeal. Exhibit 3 at 3.

(4) On April 22, 2025, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled on decision # L0010019935. EAB Exhibit 1 at 5. On May 7, 2025, ALJ Wardlow conducted a hearing on decision # L0010019935. EAB Exhibit 1 at 5. During the hearing, ALJ Wardlow advised claimant that claimant was required to file a separate request for hearing on decision # L0010124192.

(5) On May 8, 2025, claimant filed a request for hearing on decision # L0010124192.

CONCLUSIONS AND REASONS: Order No. 25-UI-294113 is reversed and this matter remanded for a hearing on the merits of decision # L0010124192.

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 request for hearing on decision # L0010124192 was due by April 24, 2025. Because claimant did not file their request for hearing until May 8, 2025, the request was late. However, claimant had good cause for filing the late request for hearing.

Approximately two weeks prior to the issuance of decision # L0010124192, the Department issued decision # L0010019935, which denied claimant benefits on a different basis than decision # L0010124192. Both decisions denied claimant benefits for a period beginning on March 9, 2025. Claimant explained on their response to the appellant questionnaire that because they had already filed a request for hearing on decision # L0010019935, they "did not realize that [they] had to file for each denial" separately. Exhibit 3 at 3. Given the relatively short amount of time in which both administrative decisions were issued and the fact that they both started their periods of denial on the same date, claimant's mistaken belief that they did not have to file separate requests for hearing on each decision was an excusable mistake.

Further, claimant filed their late request for hearing within a reasonable time. On May 7, 2025, during the hearing on decision # L0010019935, ALJ Wardlow advised claimant that claimant was required to file a separate request for hearing on the decision in this matter. At that point, claimant was aware of the requirement, and the factors which prevented their timely filing therefore ended. Claimant filed their request for hearing the following day, May 8, 2025, which was within seven days of when the factors preventing timely filing ended.

For the above reasons, claimant had good cause for failing to file a timely request for hearing, and filed their late request for hearing within a reasonable time. Claimant's late request for hearing on decision # L0010124192 therefore is allowed, and claimant is entitled to a hearing on the merits of that decision.

DECISION: Order No. 25-UI-294113 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: July 1, 2025

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-294113 or return this matter to EAB. Only a timely application for review of the order mailed to the parties after the remand hearing will return this matter to EAB.

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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، وإذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الاستئناف بأوريغون وذلك باتباع 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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