

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0384

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On January 29, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause and was disqualified from receiving benefits beginning December 29, 2024 (decision # L0009008449).¹ On February 18, 2025, decision # L0009008449 became final without claimant having filed a request for hearing. On March 6, 2025, claimant filed a late request for hearing. ALJ Kangas considered claimant's request, and on April 10, 2025 issued Order No. 25-UI-289105, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by April 24, 2025. On April 30, 2025, Order No. 25-UI-289105 became final without claimant having filed a response to the appellant questionnaire. On May 1, 2025, claimant filed a late response to the appellant questionnaire. ALJ Kangas reviewed the response, and on June 10, 2025 issued Order No. 25-UI-294569, declining to consider claimant's appellant questionnaire response because it was filed late, and re-dismissing claimant's late request for hearing. On June 24, 2025, claimant filed an application for review of Order No. 25-UI-294569 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 is the statement included with claimant's application for review explaining why the appellant questionnaire response was filed late, 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, stating 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.

¹ Decision # L0009008449 stated that claimant was denied benefits from December 29, 2024 to January 3, 2026. However, decision # L0009008449 should have stated that claimant was disqualified from receiving benefits beginning December 29, 2024 and until they earned four times their weekly benefit amount. See ORS 657.176.

Additionally, claimant's late appellant questionnaire response, which was marked as Exhibit 3 but not admitted into evidence while the matter was pending at the Office of Administrative Hearings (OAH), was also considered by EAB in reaching this decision. Claimant's appellant questionnaire response was filed late because claimant did not receive Order No. 25-UI-289105 when it was mailed, and claimant received a copy by email on April 30, 2025, after the filing deadline. EAB Exhibit 1 at 1. As the late filing was due to a factor beyond claimant's reasonable control, it should not preclude consideration of claimant's appellant questionnaire response. Exhibit 3 is therefore admitted to evidence.

FINDINGS OF FACT: (1) Decision # L0009008449, mailed to claimant's address on file with the Department and sent by email on January 29, 2025, 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 **February 18, 2025.**" Exhibit 1 at 2 (emphasis in original).

(2) Claimant was traveling out of state when the email copy of decision # L0009008449 was received. At some point prior to February 18, 2025, claimant read a portion of decision # L0009008449 and understood that it denied benefits based on a work separation. However, claimant did not read the administrative decision in its entirety, including the portion describing claimant's right to request a hearing.

(3) Thereafter, claimant took a second trip out of state, and after returning from that trip, a friend advised claimant to appeal the administrative decision. It was at that point claimant read decision # L0009008449 in its entirety and learned of the right to request a hearing.

(4) On March 6, 2025, claimant filed a late request for hearing on decision # L0009008449.

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. Good cause does not include "[n]ot understanding the implications of a decision or notice when it is received." OAR 471-040-0010(b)(B).

The request for hearing on decision # L0009008449 was due by February 18, 2025. Because claimant's request for hearing was filed on March 6, 2025, it was late. Claimant wrote in their appellant questionnaire response that they received decision # L0009008449 on January 29, 2025, and referred to having read the email copy. Exhibit 3 at 2-3. The response described several stressors in claimant's life at that time, including having to travel out of state twice to make urgent repairs to a home claimant was selling, as well as claimant's parents suffering from health problems. Exhibit 3 at 3. Claimant wrote that because of these stressors, "I simply read that my unemployment request has been denied and, in my disappointment, did not read the letter completely." Exhibit 3 at 3. Claimant explained, "If I had not been preoccupied with the family issues in my life, I would have read the letter more carefully." Exhibit 3 at 3. It was only after a friend suggested that claimant appeal the administrative decision that claimant

“re-read the letter.” Exhibit 3 at 3. It can reasonably be inferred that claimant re-read decision # L0009008449 after the February 18, 2025 appeal deadline.

Although claimant’s initial failure to read the administrative decision in its entirety was likely the result of a mistake, 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. Moreover, though claimant attributed ongoing “family issues” to the failure to completely read the administrative decision, the issues claimant described did not render reading the decision in its entirety beyond claimant’s reasonable control. Therefore, claimant has not shown good cause to extend the deadline for timely filing, and claimant’s late request for hearing on decision # L0009008449 is dismissed.

DECISION: Order No. 25-UI-294569 is affirmed.

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

DATE of Service: July 31, 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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