

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

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0388**

*Reversed*  
*Request for Hearing Timely*  
*Merits Hearing Required*

**PROCEDURAL HISTORY:** On March 7, 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 effective February 2, 2025 (decision # L0009570132).<sup>1</sup> On March 27, 2025, decision # L0009570132 became final without claimant having filed a request for hearing recognized by the Department. On March 28, 2025, claimant filed a late request for hearing. On June 17, 2025, ALJ Frank conducted a hearing, and on June 25, 2025 issued Order No. 25-UI-295983, dismissing claimant's request for hearing as late without good cause and leaving decision # L0009570132 undisturbed. On June 27, 2025, claimant filed an application for review 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). Claimant submitted information that was not part of the hearing record with his application for review. The information is relevant and material, and necessary to complete the hearing record. *See* ORS 657.275(2) and OAR 471-041-0090(1). The information has been marked and admitted as EAB Exhibit 1. Any party that objects to EAB admitting EAB Exhibit 1 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.

**FINDINGS OF FACT:** (1) Decision # L0009570132, mailed to claimant's address on file with the Department on March 7, 2025, stated in Spanish that claimant had the right to appeal the decision and request a hearing if he believed that the decision was wrong, and that such a request must be received no

<sup>1</sup> Decision # L0009570132 stated that claimant was denied benefits from February 2, 2025 to January 31, 2026. However, decision # L0009570132 should have stated that claimant was disqualified from receiving benefits beginning February 2, 2025 and until he earned four times his weekly benefit amount. *See* ORS 657.176.

later than March 27, 2025. Exhibit 1 at 6. The decision also stated in Spanish that a request for hearing could be filed using Frances Online. Exhibit 1 at 6.

(2) Claimant received the decision shortly after it was mailed and understood his right to appeal it, including the deadline by which to do so. Claimant disagreed with the decision and after reading it experienced severe symptoms of depression, “pretty much gave up on the world for a couple of days,” and “locked [him]self in [his] room for about four days.” Audio Record at 10:30; 11:40.

(3) At some point thereafter, and prior to March 24, 2025, claimant received notice of a decision that he believed granted him Paid Leave Oregon benefits at a higher amount than he would have received through unemployment insurance. Claimant decided to pursue the Paid Leave Oregon benefits rather than appealing decision # L0009570132.

(4) On or around March 25, 2025, claimant learned from a Department representative that he was not eligible for Paid Leave Oregon benefits, and was advised to pursue unemployment insurance benefits. That same day, claimant sent a total of six messages to the Department’s unemployment insurance division using Frances Online with the subject “Appeal.” EAB Exhibit 1 at 2.

(5) On March 28, 2025, claimant sent at least two additional messages with the subject “Appeal” to the Department’s unemployment insurance division using Frances Online. EAB Exhibit 1 at 2. The Department recognized either these messages or another Frances Online filing that day as a late request for hearing on decision # L0009570132. As of July 2025, the Department had not recognized a request for hearing as applying to any other administrative decision issued regarding claimant’s unemployment insurance claim.<sup>2</sup>

**CONCLUSIONS AND REASONS:** Claimant filed a timely request for hearing, and a hearing on the merits of decision # L0009570132 is required.

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.

OAR 471-040-0005(1) (July 15, 2018) provides, “A Request for hearing may be filed on forms provided by the Employment Department or similar offices in other states. Use of the form is not required provided the party specifically requests a hearing or otherwise expresses a present intent to appeal and it can be determined what issue or decision is being appealed.”

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<sup>2</sup> EAB has taken notice of this fact, which is contained in Employment Department records. OAR 471-041-0090(1). 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 noticed fact will remain in the record.

The request for hearing on decision # L0009570132 was due by March 27, 2025. The request for hearing filed by claimant on March 28, 2025 therefore was late. The order under review concluded that claimant's only request for hearing was filed on March 28, 2025, and that good cause did not exist to extend the filing deadline. Order No. 25-UI-295983 at 3. The record does not support this conclusion, as claimant's earlier correspondence with the Department should have been recognized as a timely request for hearing.

The record shows that claimant timely received decision # L0009570132, disagreed with it, and understood his right to appeal it. However, claimant testified that he "simultaneously" received notice that he had been "approved" to receive Paid Leave Oregon benefits at a higher weekly benefit amount and he therefore "focused on that claim" instead of the unemployment insurance claim. Audio Record at 12:32. Claimant further testified that he later learned that he was not eligible for Paid Leave Oregon benefits because he had worked for a non-participating employer and was advised by a Department representative to "immediately appeal" decision # L0009570132. Audio Record at 13:00.

The record is somewhat unclear as to when claimant received this advice. Claimant initially testified that he did not file a request for hearing by the March 27, 2025 deadline because he was "on the road" when he spoke with the Department representative and did not have access to a computer until he returned home. Transcript at 15:35. Claimant then testified that he filed his request for hearing "on the same day" that he had been advised to do so, though he seemed unsure of the date. Transcript at 15:55. In a statement included with his application for review, claimant asserted that the request for hearing was filed on March 25, 2025, and that during the hearing he had been "blindsided into believing" that it was filed on March 28, 2025. EAB Exhibit 1 at 1. Claimant submitted a screenshot showing information about messages he sent to the Department's unemployment insurance division through Frances Online, eight of which had the subject "Appeal;" six of them were sent on March 25, 2025, and two on March 28, 2025. EAB Exhibit 1 at 2.

It is reasonable to infer from this evidence, claimant's testimony, and the fact that the Department recognized no other requests for hearing on other administrative decisions, that one or more of claimant's March 25, 2025 messages expressed a present intent to appeal decision # L0009570132, and that the message contained sufficient information to identify that decision, as opposed to any other, as the decision being appealed. Claimant therefore likely filed a request for hearing on decision # L0009570132 on March 25, 2025 that met the requirements of OAR 471-040-0005(1). Accordingly, claimant's request for hearing was timely, and he is entitled to a hearing on the merits of decision # L0009570132.

**DECISION:** Order No. 25-UI-295983 is set aside, and this matter remanded for further proceedings consistent with this order.

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

**DATE of Service:** August 1, 2025

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-295983 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.

**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.

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