

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0411

Affirmed
Late Request to Reopen Dismissed

PROCEDURAL HISTORY: On April 17, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was suspended for misconduct, and therefore was disqualified from receiving unemployment insurance benefits effective March 16, 2025 (decision # L0010371336).¹ Claimant filed a timely request for hearing. On April 30, 2025, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for May 13, 2025. On May 13, 2025, claimant did not appear at the hearing, and ALJ Parnell issued Order No. 25-UI-292115, dismissing claimant's request for hearing due to their failure to appear. On June 2, 2025, Order No. 25-UI-292115 became final without claimant having filed a request to reopen the hearing. On June 17, 2025, claimant filed a late request to reopen the hearing. ALJ Kangas considered claimant's request, and on July 8, 2025, issued Order No. 25-UI-296871, denying the request as late without good cause, and leaving Order No. 25-UI-292115 undisturbed. On July 10, 2025, claimant filed an application for review of Order No. 25-UI-296871 with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB did not consider claimant's written arguments, filed on July 10 and 14, 2025, because claimant did not state that they provided a copy of the arguments to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019).

FINDINGS OF FACT: (1) On April 30, 2025, OAH served a notice of hearing scheduled for May 13, 2025, to claimant's address of record. On May 13, 2025, claimant did not appear at the hearing because they were "at urgent care due to severe food poisoning." Exhibit 5 at 1.

(2) Also on May 13, 2025, OAH mailed Order No. 25-UI-292115 to claimant's address of record. Order No. 25-UI-292115's Certificate of Mailing said, "If you failed to appear for the hearing, you may request that your case be reopened. For directions regarding reopening, please refer to the enclosed

¹ Decision # L0010371336 stated that claimant was denied benefits from March 23, 2025 to March 21, 2026. However, as decision # L0010371336 found that claimant was suspended from work on March 21, 2025, it should have stated that claimant was disqualified from receiving benefits beginning Sunday, March 16, 2025, and until they earned four times their weekly benefit amount. See ORS 657.176.

information.” It also stated, “Any appeal from this Order must be filed on or before June 2, 2025 to be timely.”

(3) On June 2, 2025, Order No. 25-UI-292115, which dismissed claimant’s request for hearing due to claimant’s failure to appear, became final without claimant having filed a request to reopen the hearing. On June 17, 2025, claimant filed a late request to reopen the hearing.

CONCLUSIONS AND REASONS: Claimant’s late request to reopen is dismissed.

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 not requesting 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 say 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).

The request to reopen the May 13, 2025 hearing was due by June 2, 2025. Because claimant did not file their request to reopen until June 17, 2025, the request was late. The record suggests that claimant may have had good cause for failing to appear at the hearing, as they missed the hearing because they were ill with food poisoning. However, claimant has not shown good cause for filing the request to reopen the hearing late.

Claimant did not explain in their reopen request, or any later submission, why they did not file their reopen request by the timely filing deadline of June 2, 2025. Without such information, the record does not show that claimant had good cause for failing to file the reopen request on time, and therefore, the deadline for filing the request cannot be extended. Therefore, regardless of whether claimant initially had good cause for failing to appear at the hearing, claimant’s late reopen request must be denied.

For these reasons, claimant’s late request to reopen the May 13, 2025 hearing is denied. Order No. 25-UI-292115 remains undisturbed.

DECISION: Order No. 25-UI-296871 is affirmed.

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

DATE of Service: August 15, 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.

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