

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

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0418

Reversed
Request to Reopen Allowed
Merits Hearing Required

PROCEDURAL HISTORY: On November 5, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide information requested by the Department and was ineligible for benefits effective June 30, 2024 (decision # L0007132097). Claimant filed a timely request for hearing. On May 29, 2025, notice was mailed to claimant that a hearing was scheduled for June 17, 2025. On June 17, 2025, claimant failed to appear for the hearing, and ALJ Monroe issued Order No. 25-UI-295237, dismissing claimant's request for hearing due to their failure to appear. Also on June 17, 2025, claimant filed a timely request to reopen the hearing. ALJ Kangas considered the request, and on June 25, 2025 issued Order No. 25-UI-295981, denying the request and leaving Order No. 25-295237 undisturbed. On July 11, 2025, claimant filed an application for review of Order No. 25-UI-295981 with the Employment Appeals Board (EAB).

EVIDENTIARY MATTER: EAB has considered additional evidence as necessary to complete the record when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is the written statement included with claimant's application for review, 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.

FINDINGS OF FACT: (1) On May 29, 2025, notice was mailed to claimant that a telephone hearing was scheduled for June 17, 2025 at 8:15 a.m., which provided a number to call and access code to enter to participate in the hearing. The notice included several other telephone numbers, including one to call in case of "difficulty calling in for the hearing." Exhibit 3 at 2.

(2) Claimant received the notice of hearing shortly after it was mailed. Claimant copied pertinent information from the notice by hand, including what claimant believed was the telephone number and access code to participate in the hearing.

(3) On June 17, 2025, claimant dialed the telephone number they had copied, which was not the number for participating in the hearing. After realizing that the number was incorrect, claimant located the notice of hearing and dialed the correct number, but the hearing had concluded. Claimant then called the Office of Administrative Hearings (OAH), and a representative confirmed that it was too late to participate in the hearing and explained the process to request reopening. At 8:54 a.m., claimant filed a request to reopen the hearing by email that explained the reason for missing the hearing.

CONCLUSIONS AND REASONS: Claimant's request to reopen is allowed and a hearing on the merits of decision # L0007132097 is required.

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. "Good cause" exists when the requesting party's failure to appear at the hearing arose from an excusable mistake or from factors beyond the party's reasonable control. OAR 471-040-0040(2) (February 10, 2012). The party requesting reopening must state the reason(s) for missing the hearing in a written statement, which the Office of Administrative Hearings (OAH) shall consider in determining whether good cause exists for failing to appear at the hearing. OAR 471-040-0040(3).

Claimant's request to reopen was filed the same day that Order No. 25-UI-295237 was issued, and contained a written statement explaining why claimant missed the hearing. The request therefore met threshold requirements for consideration.

Claimant wrote that they missed the hearing because they were "using the wrong number," explaining that they had mistakenly copied one of the other telephone numbers appearing in the notice of hearing, along with the access code, and dialed that incorrect number. EAB Exhibit 1 at 1. Claimant further wrote that it took more than ten minutes to identify the error and locate the notice of hearing for the correct number, and by then the hearing had concluded. EAB Exhibit 1 at 1. Claimant then spoke with an OAH representative about missing the hearing and was advised to request reopening, which claimant did by email less than 40 minutes after the scheduled hearing time.

In sum, claimant failed to attend the hearing due to a mistake in copying the telephone number from the notice of hearing. The order under review concluded that copying the number correctly was within claimant's reasonable control, and claimant therefore did not show good cause for missing the hearing. Order No. 25-UI-295981 at 3. However, good cause under the rule can be found not only in missing the hearing due to a factor beyond the party's reasonable control, but missing it due to an "excusable" mistake. In considering the nature of the error, and the entirety of claimant's efforts to attend the hearing and promptly resolve the error once discovered, this mistake was excusable. Accordingly, good cause exists to reopen the June 17, 2025 hearing, and claimant is entitled to a hearing on the merits of decision # L0007132097.

DECISION: Order No. 25-UI-295981 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 14, 2025

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-295981 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

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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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