

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0515

Reversed
Late Request for Hearing Allowed
Merits Hearing Required

PROCEDURAL HISTORY: On June 17, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant had failed to verify their identity in accordance with Department rules, and was therefore ineligible for unemployment insurance benefits effective June 8, 2025 (decision # L0011404367). On July 7, 2025, decision # L0011404367 became final without claimant having filed a request for hearing. On July 22, 2025, claimant filed a late request for hearing on decision # L0011404367. ALJ Kangas considered claimant's request, and on August 4, 2025, issued Order No. 25-UI-299448, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by August 18, 2025. On August 25, 2025, claimant filed a late response to the appellant questionnaire and a timely application for review of Order No. 25-UI-299448 with the Employment Appeals Board (EAB).

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision as necessary to complete the record under OAR 471-041-0090(1) (May 13, 2019). The additional evidence consists of claimant's August 25, 2025 response to the appellant questionnaire, and 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 June 17, 2025, the Department mailed decision # L0011404367 to claimant's address on file with the Department. Decision # L0011404367 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 **July 7, 2025.**" Exhibit 1 at 2 (bold emphasis in original).

(2) Claimant had a “long-standing” diagnosis of attention-deficit hyperactivity disorder (ADHD) and found the Frances Online system to be “extremely difficult” to navigate. EAB Exhibit 1 at 3.

(3) After receiving decision # L0011404367, claimant “tried everything [they] could to meet the deadline” to file a request for hearing, but “couldn’t figure out how to navigate the Frances system in order to do so, or get someone on the phone to help [them].” EAB Exhibit 1 at 2. After “weeks of hours long holds/not getting through to [the Department] and messing around in Frances – trying to figure out how to get a hold [*sic*] of a person, or at least navigate the webpage, [claimant] found the appeals link.” EAB Exhibit 1 at 2. Claimant filed their request for hearing once they “clicked on the correct link[.]” EAB Exhibit 1 at 2.

CONCLUSIONS AND REASONS: Order No. 25-UI-299448 is reversed and this matter remanded for a hearing on the merits of decision # L0011404367.

ORS 657.269 states 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 states that the 20-day deadline may be extended a “reasonable time” upon a showing of “good cause.” OAR 471-040-0010 (February 10, 2012) states 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 ended.

The request for a hearing about decision # L0011404367 was due July 7, 2025. Because claimant did not file their request until July 22, 2025, the request was late. However, the record shows that claimant did not file a timely request for hearing due to an excusable mistake. On their response to the appellant questionnaire, claimant showed that they spent a significant amount of time, over the course of several weeks, trying to figure out how to file a request for hearing via Frances Online, and that they attempted to contact the Department via phone multiple times to get help but were unable to speak to a representative. *See* EAB Exhibit 1 at 2. Claimant also showed that the Frances Online system was “extremely difficult” for them to use, which appears to have been the result, at least in part, of claimant’s ADHD diagnosis.

Given claimant’s significant but unsuccessful efforts to figure out how to file a request for hearing, as well as their ADHD diagnosis which appears to have caused them difficulty in understanding how to use Frances Online, claimant’s failure to file a timely request for hearing was most likely due to their inability to follow directions despite a substantial effort to comply, which is an excusable mistake and therefore good cause. Further, claimant’s statement that they “filed their request for hearing once they “clicked on the correct link” shows that the factors or circumstances preventing the timely filing ended once they clicked the correct link. This statement further suggests that claimant filed the request on the same day that they clicked on the link in question, which would therefore be within the seven-day “reasonable time” period required by the rule. Therefore, claimant’s late request for hearing is allowed, and claimant is entitled to a hearing on the merits of decision # L0011404367.

DECISION: Order No. 25-UI-299448 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: September 25, 2025

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-299448 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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