

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0518

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On March 6, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was ineligible for Trade Act benefits because they ceased to maintain contact with their case manager and training program coordinator (decision # 72825). On March 26, 2018, decision # 72825 became final without claimant having filed a request for hearing. On April 10, 2025, claimant filed a late request for hearing.

ALJ Kangas considered claimant's request, and on June 16, 2025, issued Order No. 25-UI-295058, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by June 30, 2025. On June 21, 2025, claimant filed a timely response to the appellant questionnaire. ALJ Kangas considered the appellant questionnaire response, and on August 18, 2025, issued Order No. 25-UI-300822, canceling Order No. 25-UI-295058, re-dismissing the request for hearing as late without good cause, and leaving decision # 72825 undisturbed. On August 26, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant's argument contained new information about why their request for hearing was late. However, the argument did not show that factors or circumstances beyond claimant's reasonable control prevented them from offering the information into the hearing record before the ALJ at OAH in their response to the appellant questionnaire. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB did not consider the new information contained in claimant's written argument. EAB considered the parts of claimant's argument that were based on the record before the ALJ at OAH.

FINDINGS OF FACT: (1) On March 6, 2018, the Department mailed decision # 72825 to claimant's address of record. Decision # 72825 stated, "Any appeal from this decision must be filed on or before Mar 26, 2018 to be timely." Exhibit 1 at 2. The decision also stated, "If you do not understand this decision, contact the Unemployment Insurance Center above immediately." Exhibit 1 at 2. The decision also stated, "IF YOU DO NOT AGREE WITH THIS DECISION SEE THE ENCLOSED INFORMATION FOR YOUR APPEAL RIGHTS." Exhibit 1 at 2 (emphasis in original). Decision #

72825 listed a mailing address, a telephone number, and a fax number as methods to contact the Department. Exhibit 1 at 1.

(2) Claimant received decision # 72825 in March 2018, shortly after it was mailed.

(3) Claimant did not read the language in decision # 72825 advising that the deadline to file a timely appeal was March 26, 2018. As a result, claimant was not aware of their right to appeal the administrative decision.

(4) In early December 2024, claimant called the Department and a representative told claimant about their right to appeal decision # 72825.

(5) Claimant believed they filed a request for hearing on decision # 72825 on December 20, 2024. Exhibit 3 at 7. On April 10, 2025, claimant sent the Department an inquiry via Frances Online, which the Department recognized as a hearing request on decision # 72825. Exhibit 2 at 5.

CONCLUSIONS AND REASONS: Claimant's late request for hearing is dismissed.

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 deadline to file a request for hearing on decision # 72825 was March 26, 2018. Because claimant did not file their hearing request until April 10, 2025, the hearing request was late.

Claimant failed to show good cause to extend the deadline to file a request for hearing on decision # 72825. Claimant did not establish that a factor beyond their reasonable control prevented them from filing a timely hearing request on the administrative decision. Claimant received decision # 72825 shortly after it was mailed. The decision gave notice of claimant's right to appeal and that the deadline to do so timely was March 26, 2018. The decision also listed a telephone number that was available for claimant to use if they had questions about decision # 72825. However, claimant did not become aware of their right to appeal until they had a telephone conversation with a Department representative in December 2024. It therefore can be reasonably inferred that claimant did not read the language in decision # 72825 advising of the deadline to file a timely appeal and did not pursue calling the Department at the time they received the administrative decision. Claimant's failure to realize that they had the right to appeal the administrative decision until December 2024 was not reasonable. Carefully reading the decision at the time it was received and recognizing their right to appeal and the deadline for doing so was within claimant's reasonable control.

Claimant's failure to read the language in the administrative decision setting forth the deadline to file an appeal was likely a mistake on claimant's part. However, 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.

As claimant did not show good cause to extend the March 26, 2018 deadline to appeal decision # 72825, claimant's late request for hearing, whether filed in December 2024 or on April 10, 2025, was not filed within a reasonable time.

For these reasons, claimant failed to show good cause to extend the March 26, 2018 deadline to file a hearing request on decision # 72825, and did not file their late request for hearing within a reasonable time. Claimant's late request for hearing is therefore dismissed.

DECISION: Order No. 25-UI-300822 is affirmed.

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

DATE of Service: September 24, 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 تأثیر 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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