

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0521

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On May 9, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work with good cause and therefore was not disqualified from receiving unemployment insurance benefits based on the work separation (decision # L0010729220). On May 29, 2025, decision # L0010729220 became final without the employer having filed a request for hearing. On June 24, 2025, the employer filed a late request for hearing.

ALJ Kangas considered the employer's request, and on June 30, 2025, issued Order No. 25-UI-296314, dismissing the employer's request for hearing as late, subject to the employer's right to renew the request by responding to an appellant questionnaire by July 14, 2025. On July 9, 2025, the employer filed a timely response to the appellant questionnaire. ALJ Kangas considered the appellant questionnaire response, and on August 19, 2025, issued Order No. 25-UI-300945, cancelling Order No. 25-UI-296314, re-dismissing the June 24, 2025 request for hearing as late without good cause, and leaving decision # L0010729220 undisturbed. On September 2, 2025, the employer filed an application for review of Order No. 25-UI-300945 with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Decision # L0010729220, issued on May 9, 2025, 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 May 29, 2025." Exhibit 1 at 1. On the date decision # L0010729220 was issued, it was mailed to the employer's address on file with the Department.

(2) The employer received decision # L0010729220 on May 14, 2025. They did not file a hearing request before the May 29, 2025 deadline to appeal the administrative decision because they "thought there were more forms coming from [the Department] based on previous experience with cases like these." Exhibit 3 at 2. As a result, the employer "thought [they] had other paperwork coming w[ith] more time to appeal." Exhibit 3 at 2.

(3) On May 29, 2025, decision # L0010729220 became final without the employer having filed a request for hearing.

(4) On June 24, 2025, the employer recognized that they “hadn’t received any further notices from [the Department], so [they] reached reached [sic] out to appeal it.” The employer decided to request a hearing on decision # L0010729220, and did so that day.

CONCLUSIONS AND REASONS: The employer’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 # L0010729220 was May 29, 2025. The employer filed their request for hearing on June 24, 2025. The employer’s hearing request was therefore late.

The employer did not show good cause to extend the May 29, 2025 deadline to file a hearing request on decision # L0010729220. The employer did not show that a factor beyond their reasonable control prevented them from filing in a timely manner. They received the administrative decision on May 14, 2025, well before the May 29, 2025 deadline. Although the employer thought that they had more time to appeal based on having received notices or additional paperwork from the Department in the past, decision # L0010729220 stated in plain language that the employer had the right to appeal the decision and that the Department “must receive your request for a hearing no later than May 29, 2025.” It was within the employer’s reasonable control to read and take note of the deadline, and, if they disagreed with the administrative decision, ensure that they filed their hearing request before the deadline passed.

The employer’s belief that they would have more time to appeal based on having received notices or additional paperwork from the Department in the past was a mistake on their 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.

The employer therefore failed to show that factors beyond their reasonable control or an excusable mistake prevented them from filing a timely request for hearing. As such, the employer’s late request for hearing on decision # L0010729220 is dismissed.

DECISION: Order No. 25-UI-300945 is affirmed.

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

DATE of Service: October 2, 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 باتباع 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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