

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0552-R**

*Request for Reconsideration Allowed*  
*EAB Decision 2025-EAB-0552 followed on Reconsideration*  
*Late Request for Hearing Dismissed*

**PROCEDURAL HISTORY:** On September 10, 2010, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant willfully made a misrepresentation and failed to report a material fact to obtain benefits, and assessing a \$17,047 overpayment that claimant was required to repay, a \$2,557.05 monetary penalty, and a 52-week penalty disqualification from future benefits. On September 30, 2010, the September 10, 2010 administrative decision became final without claimant having filed a request for hearing. On June 13, 2025, claimant filed a late request for hearing. ALJ Kangas considered claimant's request, and on September 8, 2025 issued Order No. 25-UI-302732, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by September 22, 2025. Claimant did not submit an appellant questionnaire response. On September 20, 2025, claimant filed an application for review of Order No. 25-UI-302732 with the Employment Appeals Board (EAB).

On October 14, 2025, EAB issued EAB Decision 2025-EAB-0552, affirming Order No. 25-UI-302732 by dismissing claimant's late request for hearing, subject to claimant's right to request reconsideration and provide additional evidence to EAB regarding the reasons for the late filing of the request for hearing. On October 31, 2025, claimant filed a timely request for reconsideration of EAB Decision 2025-EAB-0552. This decision is made under EAB's authority from ORS 657.290(3).

**EVIDENTIARY MATTER:** EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is claimant's reconsideration request, 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) The September 10, 2010 overpayment decision, mailed to claimant's address of record on file with the Department, stated, "To be timely, any appeal from this decision must be filed on or before September 30, 2010." Exhibit 1 at 1.

(2) On September 30, 2010, the September 10, 2010 overpayment decision became final without claimant having filed a request for hearing.

(3) Claimant alleged that they did not receive the September 10, 2010 overpayment decision because they were a victim of identity theft. Claimant alleged that someone stole claimant's identity, filed the claim, and that person was issued the September 10, 2010 overpayment decision.

(4) In 2022, claimant received notice of the overpayment reflected in the September 10, 2010 overpayment decision via a 2021 wage garnishment notice from the Internal Revenue Service. EAB Exhibit 1 at 9.

(5) On June 13, 2025, claimant filed a late request for hearing for hearing on the September 10, 2010 overpayment decision.

**CONCLUSIONS AND REASONS:** Claimant's request for reconsideration is allowed. EAB Decision 2025-EAB-0552 is followed on reconsideration. Claimant's late request for hearing on the September 10, 2010 overpayment decision is dismissed.

**Reconsideration.** ORS 657.290(3) permits the Employment Appeals Board to reconsider any past decision of the Employment Appeals Board, including "the making of a new decision to the extent necessary and appropriate for the correction of previous error of fact or law." The request will be dismissed unless it says that a copy of the request was given to the other parties, and unless it is filed within 20 days after the decision the party wants to be reconsidered was mailed. OAR 471-041-0145(2) (May 13, 2019).

EAB Decision 2025-EAB-0552 affirmed dismissal of claimant's late request for hearing without prejudice, and described the process for requesting reconsideration of that decision within 20 days. Claimant filed a request for reconsideration that met the requirements in OAR 471-041-0145. The request for reconsideration is therefore allowed.

**Late Request for Hearing.** 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 hearing on the September 10, 2010 overpayment decision was due by September 30, 2010. Because claimant did not file their request for hearing until June 13, 2025, the request for hearing was late.

Claimant may have established good cause to extend the deadline to file their request for hearing. Claimant wrote in their request for reconsideration that someone stole their identity, filed the claim at issue using an address that was not claimant's, and that claimant therefore did not receive the September 10, 2010 overpayment decision and was unaware of the claim's existence as of the September 30, 2010 filing deadline. EAB Exhibit 1 at 8-9. If true, this would constitute a factor beyond claimant's reasonable control that would have prevented a timely filing of the request for hearing by the September 30, 2010 deadline.

However, even if it were to be found that claimant had good cause to extend the September 30, 2010 deadline, claimant received notice of the overpayment in 2022 when they received a 2021 wage garnishment notice from the Internal Revenue Service which was based on the overpayment decision at issue. Upon learning of the overpayment, one would expect claimant to have made reasonable efforts to gain knowledge of the September 10, 2010 overpayment decision and their right to appeal that decision. Doing so would have caused the factor preventing a timely filing to end.

Claimant did not show that they filed their request for hearing within a seven-day "reasonable time" of when the factor preventing a timely filing ended. It is not evident based on available information that the factor preventing a timely filing continued uninterrupted until the June 13, 2025 hearing request filing date. Instead, once claimant received notice of the overpayment reflected in the September 10, 2010 overpayment decision in 2022, it is more likely than not that at some point in the years that followed, the factor preventing a timely filing ended. Claimant did not prove that their June 13, 2025 filing date occurred within seven days of that date. Therefore, even if claimant was able to show that they had good cause to extend the deadline to file their hearing request, they did not show that their late request for hearing should be allowed because they did not show that they filed within a "reasonable time."

Accordingly, EAB follows EAB Decision 2025-EAB-0552 on reconsideration, and claimant's late request for hearing is dismissed.

**DECISION:** Claimant's request for EAB to reconsider EAB Decision 2025-EAB-0552 is allowed. EAB Decision 2025-EAB-0552 is followed on reconsideration. Order No. 25-UI-302732 remains undisturbed.

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

**DATE of Service:** November 25, 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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