

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0558

Affirmed
Late Request for Hearing Dismissed Without Prejudice

PROCEDURAL HISTORY AND FINDINGS OF FACT: On September 8, 2022, 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 \$20,064 combined overpayment of regular unemployment insurance (regular UI), Federal Pandemic Unemployment Compensation (FPUC), and Lost Wages Assistance (LWA) benefits that claimant was required to repay, a \$2,739.60 monetary penalty, and a 52-week penalty disqualification from future benefits. On September 28, 2022, the September 8, 2022 overpayment decision became final without claimant having filed a request for hearing. On April 30, 2025, claimant filed a late request for hearing. ALJ Kangas considered the request, and on September 2, 2025 issued Order No. 25-UI-302042, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by September 16, 2025. Claimant did not file an appellant questionnaire response. On September 22, 2025, claimant filed an application for review of Order No. 25-UI-302042 with the Employment Appeals Board (EAB).

CONCLUSIONS AND REASONS: Order No. 25-UI-302042 is affirmed. Claimant's late request for hearing is dismissed without prejudice.

On April 30, 2025, claimant filed a request for hearing on the September 8, 2022 overpayment decision. ORS 657.269 required the request for hearing to be filed no later than September 28, 2022. Claimant's request for hearing is therefore late, and the request for hearing is dismissed.

The deadline for filing a request for hearing may be extended a reasonable time if the appellant can show that they have good cause to extend the deadline. *See* ORS 657.875; OAR 471-040-0010 (February 10, 2012). If claimant believes they have good cause and filed their late request for hearing within a reasonable time, claimant may ask EAB to reconsider this decision under OAR 471-041-0145 (May 13, 2019).

EAB will dismiss any request for reconsideration that does not include **all five** of the following:

1. Claimant must file the request for reconsideration by November 6, 2025, *and*
2. Claimant must state in the request for reconsideration that they sent a copy of the request to both of the employers listed in the caption at the top of this decision, *and*
3. Claimant must provide additional specific details about the reason they filed their request for hearing *late*. For example, claimant should include specific information about the date they received the September 8, 2022 overpayment decision, whether they read and disagreed with it, and how they were prevented from filing their request for hearing by September 28, 2022. Claimant should include specific details that might help EAB determine whether or not claimant had “good cause,” which means factors beyond their reasonable control or an excusable mistake prevented them from filing timely requests for hearing, *and*
4. Claimant must provide the date the factors that prevented them from filing a timely request for hearing ended (the factors they listed in response to #3, above), *and*
5. Claimant must provide sufficient information to show that they filed their request for hearing within **seven** days of the date the factors that prevented them from filing a timely request for hearing ended.

There are several ways to file a request for reconsideration:

1. Use your smart phone, tablet, or computer to fill out the “File a Written Argument” form, available on EAB’s website: <https://www.oregon.gov/EMPLOY/EAB/Pages/default.aspx>, *or*
2. Use your smart phone, tablet, or computer to send an email to EAB at appealsboard@employ.oregon.gov, *or*
3. Send the request to EAB by U.S. mail or another delivery service, addressed to 875 Union St NE, Salem, Oregon 97311, *or*
4. Send EAB a fax at 503-378-2129.

DECISION: Order No. 25-UI-302042 is affirmed. The request for hearing filed April 30, 2025 is dismissed without prejudice.

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

NOTE: To help meet the requirements of a request for reconsideration, please return the attached questionnaire to EAB by November 6, 2025.

DATE of Service: October 17, 2025

APPELLANT QUESTIONNAIRE – SEPTEMBER 8, 2022 OVERPAYMENT DECISION

Important: Answers must be mailed, faxed, or emailed to EAB by November 6, 2025. Mail to: **Employment Appeals Board, 875 Union St NE, Salem, Oregon 97311**, Fax to: **503-378-2129**, or Email to: **appealsboard@employ.oregon.gov**.

We are dismissing your hearing request (appeal) because you did not provide enough information to show that you had good cause for filing your hearing request late. Good cause exists when an action, delay, or failure to act arises from an excusable mistake or from factors beyond your reasonable control which caused you to delay filing your hearing request.

If you would like us to reconsider our decision you must answer the following questions so that we can determine whether or not you had good cause for delaying the filing of your hearing request (appeal).

You need to provide information about the administrative decision issued on September 8, 2022, which concluded that you willfully made a misrepresentation and failed to report a material fact to obtain benefits, were overpaid benefits that you were required to repay, and were liable for a monetary penalty and penalty disqualification. A hearing request for that decision was due by September 28, 2022. You filed a hearing request (appeal) on April 30, 2025.

Any information you provide, including medical records or other private documents, will become part of the official record in this case and may be provided to any other parties in this case.

1. On what date (mm/dd/yy) did you receive the September 8, 2022 overpayment decision, which concluded that you willfully made a misrepresentation and failed to report a material fact to obtain benefits, were overpaid benefits that you were required to repay, and were liable for a monetary penalty and penalty disqualification?
2. On what date (mm/dd/yy) did you file your hearing request (appeal)?
3. How did you file your hearing request (appeal)?
☐ Mail ☐ Fax ☐ Telephone

☐ Other: _____
4. If you believe you filed your hearing request (appeal) before the September 28, 2022 deadline stated in the September 8, 2022 overpayment decision, what evidence do you have to show when you filed your hearing request (attach copies of any documents that will help show this)?

5. If you did not file your hearing request (appeal) before the September 28, 2022 deadline stated in the September 8, 2022 overpayment decision, why didn't you?
6. Was there anything you could have done to meet the September 28, 2022 deadline?
7. What prompted you to file your hearing request (appeal) on the day it was filed?
8. If you believe you had "good cause" for filing your hearing request (appeal) late after the September 28, 2022 deadline, please explain why. If you did not receive the September 8, 2022 overpayment decision because it was mailed to an old address, please include in your explanation when you moved from the mailing address printed on the decision, and whether you attempted to update your address with the Department when you moved.

Important: The request for reconsideration is subject to dismissal unless claimant indicates below that they provided a copy of the request for reconsideration to both of the employers listed in the caption at the top of this decision.

☐ I provided a copy of my request for reconsideration to both of the employers listed in the caption at the top of this decision.

I sent copies of my request for reconsideration to both of the employers listed in the caption at the top of this decision by:

☐ Email ☐ Mail ☐ Fax ☐ Personal Delivery

☐ Other: _____

I sent the copies of my request for reconsideration to both of the employers listed in the caption at the top of this decision on this date (specify date):

☐ I understand that my request for reconsideration is subject to dismissal unless it is filed by November 6, 2025.

I filed my request for reconsideration on: _____.

Important: Answers must be mailed, faxed, or emailed to EAB by November 6, 2025. Mail to: **Employment Appeals Board, 875 Union St NE, Salem, Oregon 97311**, Fax to: **503-378-2129**, or Email to: **appealsboard@employ.oregon.gov**



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.

Employment Appeals Board - 875 Union Street NE | Salem, OR 97311

Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711

Email: appealsboard@employ.oregon.gov

Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.