

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0559**

*Late Application for Review Dismissed*

**PROCEDURAL HISTORY:** On August 15, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was an employee of an educational institution who was eligible, based on wages earned in that employment, for benefits from June 14 through September 3, 2024, the break between academic years (decision # L0005573622). The employer filed a timely request for hearing. On July 11, 2025, ALJ Wardlow conducted a hearing at which claimant failed to appear, and on July 16, 2025 issued Order No. 25-UI-297770, reversing decision # L0005573622 by concluding that claimant was an instructional employee with reasonable assurance of returning to her position after the break, and was therefore ineligible for benefits from June 14 through September 3, 2024. On August 5, 2025, Order No. 25-UI-297770 became final without claimant having filed a request to reopen the hearing or an application for review with the Employment Appeals Board (EAB). On August 27, 2025, claimant filed a late application for review with EAB, which was also treated by the Office of Administrative Hearings (OAH) as a late request to reopen the July 11, 2025 hearing.<sup>1</sup> ALJ Kangas considered the late request to reopen, and on September 25, 2025, issued Order No. 25-UI-304901, denying the request and leaving Order No. 25-UI-297770 undisturbed.<sup>2</sup> This matter comes before EAB based on claimant's August 27, 2025 late application for review of Order No. 25-UI-297770.

<sup>1</sup> OAR 471-041-0060(4) (May 13, 2019) provides, "Except as otherwise stated in this rule, EAB will treat an application for review by a claimant or employer that failed to appear at a hearing as a request to reopen the hearing under ORS 657.270." However, OAR 471-041-0060(5)(b) provides, "An application for review filed by a claimant or employer that failed to appear at the hearing and whose request for hearing was not dismissed for failure to appear will be treated as an application for review if. . . "[t]he application for review does not include a written statement that sets forth the reason(s) for missing the hearing as required under OAR 471-040-0040(3) [(February 10, 2012)]." The request for hearing was filed by the employer and therefore was not dismissed due to claimant's failure to appear. Moreover, claimant's late application for review did not contain an explanation for missing the hearing. Therefore, OAH treated claimant's filing as a request to reopen even though doing so was not required under the rule. However, EAB must treat claimant's filing as a late application for review of Order No. 25-UI-297770.

<sup>2</sup> As of the date of EAB's decision, claimant has not filed an application for review of Order No. 25-UI-304901, and that order has not yet become final.

**FINDING OF FACT:** (1) Order No. 25-UI-297770, mailed to claimant's address of record on file with the Department on August 13, 2025, stated, "You may appeal this decision by filing the attached form Application for Review with the Employment Appeals Board within 20 days of the date that this decision is mailed." Order No. 25-UI-297770 at 6. Order No. 25-UI-297770 also stated in its Certificate of Mailing, "Any appeal from this Order must be filed on or before August 5, 2025 to be timely." Claimant's application for review of Order No. 25-UI-297770 was filed by mail on August 27, 2025.

**CONCLUSIONS AND REASONS:** Claimant's late application for review of Order No. 25-UI-297770 is dismissed.

An application for review is timely if it is filed within 20 days of the date that the Office of Administrative Hearings (OAH) mailed the order for which review is sought. ORS 657.270(6); OAR 471-041-0070(1) (May 13, 2019). The 20-day filing period may be extended a "reasonable time" upon a showing of "good cause." ORS 657.875; OAR 471-041-0070(2). "Good cause" means that factors or circumstances beyond the applicant's reasonable control prevented timely filing. OAR 471-041-0070(2)(a). A "reasonable time" is seven days after the circumstances that prevented the timely filing ended. OAR 471-041-0070(2)(b). A late application for review will be dismissed unless it includes a written statement describing the circumstances that prevented a timely filing. OAR 471-041-0070(3).

The application for review of Order No. 25-UI-297770 was due by August 5, 2025. Claimant filed her application for review by mail on August 27, 2025, and it was therefore late. Claimant's application for review did not include a written statement describing the circumstances that prevented a timely filing. Therefore, under OAR 471-041-0070(3), claimant's late application for review of Order No. 25-UI-297770 is dismissed.

**DECISION:** The application for review filed August 27, 2025 is dismissed. Order No. 25-UI-297770 remains undisturbed.

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

**DATE of Service: October 1, 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 – 本判决会影响您的失业救济金。如果您不明白本判决，请立即联系就业上诉委员会。如果您不同意此判决，您可以按照该判决结尾所写的说明，向俄勒冈州上诉法院提出司法复审申请。

## 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 دستور العمل 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](mailto:appealsboard@employ.oregon.gov)

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