

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0571

Late Applications for Review Dismissed

PROCEDURAL HISTORY: On August 25, 2021, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant filed late claims for unemployment insurance benefits for the weeks of March 28 through April 3, 2021, April 11 through May 15, 2021, May 23 through May 29, 2021, and June 6 through June 12, 2021 (weeks 13-21, 15-21 through 19-21, 21-21, and 23-21), and was therefore ineligible to receive benefits for those weeks (decision # 72125). On September 14, 2021, decision # 72125 became final without claimant having filed a request for hearing. On January 24, 2022, the Department served notice of an administrative decision concluding that claimant was not able to work during the weeks of August 15 through October 2, 2021 (weeks 33-21 through 39-21), and was therefore ineligible to receive benefits for those weeks (decision # 100125). On January 28, 2022, claimant filed a timely request for hearing on decision # 100125. On February 1, 2022, claimant filed a late request for hearing on decision # 72125.

On March 9, 2022, ALJ Wardlow conducted a hearing on decision # 100125, and on March 10, 2022, issued Order No. 22-UI-188417, modifying decision # 100125 by concluding that claimant was not able to work during the week of August 15 through August 21, 2021 (week 33-21), and was therefore ineligible to receive benefits for that week, but that claimant was able to work during the weeks of August 22 through September 4, 2021, and September 12 through October 2, 2021 (weeks 34-21 through 35-21 and 37-21 through 39-21), and was therefore eligible to receive benefits for those weeks.¹ On March 30, 2022, Order No. 22-UI-188417 became final without claimant having filed an application for review with the Employment Appeals Board (EAB).

ALJ Kangas considered claimant's late request for hearing on decision # 72125, and on May 4, 2022, issued Order No. 22-UI-192856, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by May 18, 2022. On May 11, 2022, claimant filed a timely appellant questionnaire response. On August 11, 2022, the Office of Administrative Hearings (OAH) mailed a letter to claimant stating that Order No. 22-UI-192856 was vacated and that a hearing would be scheduled to determine whether claimant's late request for hearing on decision # 72125 should

¹ Order No. 22-UI-188417 concluded that claimant did not claim benefits for the week of September 5 through September 11, 2021 (week 36-21), and did not consider his eligibility for benefits that week.

be allowed and, if so, the merits that of that decision. On December 12, 2022, ALJ Ramey conducted a hearing, and on December 20, 2022, issued Order No. 22-UI-210433, re-dismissing claimant's request for hearing as late without good cause and leaving decision # 72125 undisturbed. On January 9, 2023, Order No. 22-UI-210433 became final without claimant having filed an application for review with EAB. On September 27, 2025, claimant filed late applications for review of Orders No. 22-UI-188417 and 22-UI-210433 with EAB.

EAB combined its review of Orders No. 22-UI-188417 and 22-UI-210433 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2025-EAB-0570 and 2025-EAB-0571).

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is the written statements included with claimant's applications for review, 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, saying 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) Order No. 22-UI-188417, mailed to claimant on March 10, 2022, 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. 22-UI-188417 at 5. Order No. 22-UI-188417 also stated on its Certificate of Mailing, "Any appeal from this Order must be filed on or before March 30, 2022 to be timely."

(2) Order No. 22-UI-210433, mailed to claimant on December 20, 2022, 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. 22-UI-210433 at 3. Order No. 22-UI-210433 also stated on its Certificate of Mailing, "Any appeal from this Order must be filed on or before January 9, 2023 to be timely."

(3) On September 27, 2025, claimant filed applications for review of Orders No. 22-UI-188417 and 22-UI-210433 with EAB.

CONCLUSIONS AND REASONS: Claimant's late applications for review are 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 applications for review of Orders No. 22-UI-188417 and 22-UI-210433 were due by March 30, 2022 and January 9, 2023, respectively. Because claimant did not file his applications for review until September 27, 2025, the applications for review were late. Claimant provided a written statement with the applications for review. In the statement, claimant wrote, “I need to appeal or put in a late appeal or app for review as [I] just finally received a full claim review that [I] have been asking for for years.” EAB Exhibit 1 at 1. It is unclear from this statement or other evidence in the record what circumstances prevented claimant from filing the applications for review on time. Accordingly, claimant did not show good cause to extend the filing deadlines, and claimant’s late applications for review are dismissed.

DECISION: The applications for review filed September 27, 2025 are dismissed. Orders No. 22-UI-188417 and 22-UI-210433 remain undisturbed.

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

DATE of Service: October 31, 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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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