

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0573

Affirmed
Late Requests for Hearing Dismissed

PROCEDURAL HISTORY: On November 9, 2023, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant had failed to verify her identity in accordance with the Department's rules and was ineligible for benefits effective October 22, 2023 and until the reason for the denial ended (decision # 94904). Also on November 9, 2023, the Department served notice of an administrative decision concluding that claimant had failed to register for work in accordance with the Department's rules and therefore was ineligible for benefits effective October 22, 2023 and until the reason for the denial ended. On November 29, 2023, decision # 94904 and the November 9, 2023 work registration decision became final without claimant having filed a request for hearing.

On September 16, 2024, claimant filed late requests for hearing on decision # 94904 and the November 9, 2023 work registration decision. ALJ Kangas considered claimant's requests, and on October 17, 2024 issued Orders No. 24-UI-269692 and 24-UI-269690, dismissing the requests as late, subject to claimant's right to renew the requests by responding to an appellant questionnaire by October 31, 2024. On October 28, 2024, claimant filed a timely response to the appellant questionnaire. On September 11, 2025, ALJ Chiller conducted a hearing, and on September 12, 2025 Orders No. 25-UI-303632 and 25-UI-303634, re-dismissing claimant's late requests for hearing and leaving decision # 94904 and the November 9, 2023 work registration decision undisturbed.

On September 30, 2025, claimant filed applications for review of Orders No. 25-UI-303632 and 25-UI-303634 with the Employment Appeals Board (EAB). EAB combined its review of Orders No. 25-UI-303632 and 25-UI-303634 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2025-EAB-0572 and 2025-EAB-0573).

WRITTEN ARGUMENT: EAB considered claimant's written argument when reaching this decision.

FINDINGS OF FACT: (1) On October 30, 2023, claimant moved from an address on Northwest Hoyt Street in Portland, Oregon to an address on Northwest Kearney Street in Portland. Around the same time, claimant completed a change-of-address form with the United States Postal Service (USPS).

Claimant believed that completing the USPS form would also update her address with other governmental organizations. Therefore, she did not separately update her address with the Department, which at the time was the Northwest Hoyt Street address.

(2) On November 9, 2023, the Department mailed decision # 94904 to claimant's address on file with the Department. Decision # 94904 stated, "You have the right to appeal this decision if you do not believe it is correct. Your request for appeal must be received no later than November 29, 2023." Order No. 25-UI-303632, DR Exhibit 1 at 2.

(3) Also on November 9, 2023, the Department mailed the November 9, 2023 work registration decision to claimant's address on file with the Department. The November 9, 2023 work registration decision stated, "You have the right to appeal this decision if you do not believe it is correct. Your request for appeal must be received no later than **11/29/23**." Order No. 24-UI-303634, Exhibit 2 at 1 (emphasis in original).

(4) Because the Department mailed the two administrative decisions to claimant's former address, claimant did not receive them.

(5) Claimant claimed benefits for the weeks of October 22, 2023 through November 4, 2023 (weeks 43-23 through 44-23) and November 26, 2023 through December 9, 2023 (weeks 48-23 through 49-23). On December 6, 2023, claimant updated her address with the Department to the Northwest Kearney Street address.

(6) On September 16, 2024, claimant contacted the Office of Administrative Hearings (OAH) via email regarding having not been paid benefits. On September 17, 2024, a representative from the Department responded to claimant via email, explained that claimant had been denied benefits because she had failed to complete ID verification and work registration requirements in late 2023, and further explained that they had "accepted and submitted [claimant's] appeal request... on these issue[s]." Order No. 25-UI-303632, Exhibit 3 at 9.

CONCLUSIONS AND REASONS: Claimant's late requests for hearing are 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.

Under OAR 471-040-0010(1)(b)(A), "good cause" does not include failure to receive a document due to not notifying the Department or OAH of an updated address while the person is claiming benefits or if the person knows, or reasonably should know, of a pending appeal.

The requests for hearing on decision # 94904 and the November 9, 2023 work registration decision were due by November 29, 2023. Claimant filed requests for hearing on those decisions by emailing OAH on September 16, 2024, and the requests were therefore late.

The record suggests that claimant was unaware of decision # 94904 and the November 9, 2023 work registration decision until September 17, 2024, when the Department representative responded to her email. This was apparently the case despite the fact that claimant had spoken to or otherwise requested information from the Department, OAH, and WorkSource Oregon offices on multiple occasions between the date the decisions were issued and September 17, 2024, or that claimant had learned of the denial of her benefits for the weeks at issue in or around late December 2023.¹ Regardless of when claimant learned of either the administrative decisions themselves, or the denials imposed under them, however, claimant has not shown that she had good cause for failing to file timely requests for hearing.

On October 30, 2023, claimant moved from the address that the Department had on file for her, but did not update her address due to a mistaken belief that a USPS address change form would be sufficient for those purposes. Claimant therefore did not receive the administrative decisions when they were mailed on November 9, 2023, as they were sent to the wrong address. The record shows that claimant most likely claimed benefits during the week in which the administrative decisions were mailed, as she claimed benefits for week 44-23, which ended on November 4, 2023.² As such, claimant failed to file timely requests for hearing because she did not receive the administrative decisions, while claiming benefits, due to her failure to update her address with the Department. A finding of good cause for claimant's late requests for hearing is therefore barred under OAR 471-040-0010(1)(b)(A), and the requests are denied.

DECISION: Orders No. 25-UI-303632 and 25-UI-303634 are affirmed.

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

DATE of Service: October 30, 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.

NOTE: If paying back your overpayment would be a financial hardship, you may request an overpayment waiver. The Department may forgive the debt and stop collection efforts if you meet certain requirements. If you apply for a waiver but do not qualify for the waiver, other relief may be available. Other relief may include a temporary pause in collection efforts or a limit on how much your current benefits may be reduced due to the overpayment. It is important to apply for a waiver as soon as possible because waivers are not retroactive. This means that if the Department

¹ See Audio Record at 36:03.

² Other than claims for the first effective week of a claim, continued claims are required to be filed within seven days of the date on which the week claimed ended. See OAR 471-030-0045 (January 11, 2018). It can therefore be reasonably inferred that claimant filed her claim for week 44-23 during the week ending November 11, 2023.

grants the waiver, you will not receive a refund of payments you have already made on the overpayment.

The Overpayment Waiver Application is available for download at <https://unemployment.oregon.gov/uploads/docs/FORM129-EN.pdf>

For more information on requesting a waiver go to <https://unemployment.oregon.gov/overpayments>.

Visit www.oregonlawhelp.org for information about finding free or low-cost legal help in Oregon.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveymizmo.com/s3/5552642/EAB-Customer-Service-Survey>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.



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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