

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0606**

*Reversed*  
*Late Request for Hearing Allowed*  
*Merits Hearing Required*

**PROCEDURAL HISTORY:** On February 8, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not available for work from November 26 through December 2, 2023 (week 48-23), and therefore was not eligible for benefits for that week (decision # 92254). On February 28, 2024, decision # 92254 became final without claimant having filed a request for hearing. On March 27, 2025, claimant filed a late request for hearing. ALJ Kangas considered claimant's request, and on May 8, 2025 issued Order No. 25-UI-291748, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by May 22, 2025.

Claimant filed a timely response to the appellant questionnaire. On August 22, 2025, the Office of Administrative Hearings (OAH) mailed a letter stating that Order No. 25-UI-291748 was vacated and that a new hearing would be scheduled to determine whether to allow claimant's late request for hearing and, if so, the merits of decision # 92254. On September 22, 2025, ALJ Scott conducted a hearing, and on September 23, 2025 issued Order No. 25-UI-304684, re-dismissing claimant's request for hearing as late without good cause, leaving decision # 92254 undisturbed. On October 13, 2025, claimant filed an application for review of Order No. 25-UI-304684 with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) On February 8, 2024, the Department mailed decision # 92254 to claimant's address on file with the Department. The administrative decision concluded that claimant was not eligible for benefits for week 48-23 because he was not available for work. Decision # 92254 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 February 28, 2024." Exhibit 1 at 2.

(2) Claimant did not receive decision # 92254. Claimant lived in a house divided into three apartment units, and it was not uncommon for claimant's mail to be misdelivered.

(3) Claimant became aware that he had been denied benefits for week 48-23 when he checked the online weekly claims portal. However, the portal stated only that claimant's claim had been denied, and did not make claimant aware of decision # 92254 or his right to appeal the decision.

(4) Thereafter, claimant continued filing weekly claims for benefits. Claimant was denied benefits for the subsequently-claimed weeks based on administrative decisions denying benefits for failure to provide identity verification and work registration information.<sup>1</sup> Claimant received suspense letters for these subsequently denied weeks but the letters did not make claimant aware of decision # 92254 or his right to appeal the decision. Instead, the letters contained a phone number for claimant to call the Department for more information. Claimant attempted to call the Department for help, but was placed on hold due to high call volume, and could not get through to a representative.

(5) On February 28, 2024, claimant visited a WorkSource Oregon office where he verified his identity and completed his registration for work. Claimant was not made aware of decision # 92254 or his right to appeal the decision during the visit. Instead, when claimant asked why he had been denied benefits for week 48-23, a representative at the WorkSource office told claimant the denial was due to claimant not having completed identity verification. On February 28, 2024, decision # 92254 became final without claimant having filed a request for hearing.

(6) Claimant continued to try to call the Department for assistance regarding the benefits he was denied for week 48-23 and the subsequent weeks of benefits denied based on the separate administrative decisions. Each time, however, claimant was placed on hold and could not get through to a representative. As such, claimant eventually stopped calling.

(7) In the spring of 2025, claimant was in a difficult financial situation. At that time, claimant's sister urged claimant to "re-initiate the process" of trying to receive benefits for the weeks he had been denied. Audio Record at 18:25. Claimant decided to again try calling the Department about the denied benefits.

(8) On March 27, 2025, claimant called the Department and reached a representative who filed, on claimant's behalf, requests for hearing on decision # 92254 and the separate administrative decisions denying benefits for failure to provide identity verification and work registration information. The representative documented the call in Department records as, "Claimant requesting to appeal all denials on 2024 claim. Appeals created. All late[.]"<sup>2</sup>

(9) On May 9, 2025, claimant received decision # 92254 for the first time. Claimant received the administrative decision in the mail as an exhibit to the appellant questionnaire attached to Order 25-UI-291748.

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<sup>1</sup> EAB has taken notice of these facts, which are contained in Employment Department records. OAR 471-041-0090(1) (May 13, 2019). 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 noticed facts will remain in the record.

<sup>2</sup> EAB has taken notice of these facts, which are contained in Employment Department records. OAR 471-041-0090(1). 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 noticed facts will remain in the record.

**CONCLUSIONS AND REASONS:** Order No. 25-UI-304684 is reversed, claimant's late request for hearing on decision # 92254 is allowed, and this matter remanded for a hearing on the merits of that decision.

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 deadline to file a request for hearing on decision # 92254 was February 28, 2024. Because claimant did not file his hearing request until March 27, 2025, the request for hearing was late. The order under review concluded that claimant failed to show good cause for filing his late request for hearing on decision # 92254. Order No. 25-UI-304684 at 3-4. The record does not support this conclusion.

Claimant established good cause to extend the deadline to file the request for hearing and filed within a reasonable time. Factors beyond claimant's reasonable control prevented him from filing by the February 28, 2024 deadline, as claimant did not receive decision # 92254 and was never made aware of the decision or deadline to appeal. Claimant became aware that he was denied benefits for week 48-23 by checking the weekly claim portal, but the portal did not make claimant aware of decision # 92254 or his right to appeal the decision. Claimant later received suspense letters for weeks of benefits subsequently denied (those denials having been based on separate administrative decisions), but the letters did not make claimant aware of decision # 92254 or his right to appeal the decision. Claimant visited a WorkSource office on February 28, 2024, but was not made aware of decision # 92254 or his right to appeal the decision during the visit. Claimant attempted to call the Department for help, but was placed on hold due to high call volume, could not get through to a representative, and eventually stopped calling.

Claimant decided to resume calling the Department in the spring of 2025, at his sister's urging. On March 27, 2025, claimant succeeded in reaching a representative. As of the point that claimant connected with the representative, the factors beyond claimant's reasonable control preventing a timely filing remained because claimant still had not been made aware of decision # 92254 and his right to appeal the decision. Indeed, it appears likely that even during the call, claimant was not made specifically aware of decision # 92254, given that the representative documented the call as, "Claimant requesting to appeal all denials on 2024 claim. Appeals created. All late[.]" In any event, the representative filed a late request for hearing on decision # 92254 on claimant's behalf. Accordingly, factors beyond claimant's reasonable control that prevented him from filing an appeal continued until March 27, 2025, when claimant was able to file a hearing request with the representative's help. Good cause to extend the deadline to file to March 27, 2025 has therefore been established, and because claimant filed the hearing request that day, the late request for hearing was filed within a reasonable time.

For these reasons, claimant's late request for hearing is allowed, and a hearing on the merits of decision # 92254 is required.

**DECISION:** Order No. 25-UI-304684 is set aside, and this matter remanded for further proceedings consistent with this order.

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

**DATE of Service:** November 14, 2025

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-304684 or return this matter to EAB. Only a timely application for review of the order mailed to the parties after the remand hearing will return this matter to EAB.

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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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