

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0613

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On October 18, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause and was disqualified from receiving benefits effective September 29, 2024 (decision # L0006635620).¹ On November 7, 2024, decision # L0006635620 became final without claimant having filed a request for hearing. On May 19, 2025, claimant filed a late request for hearing. ALJ Kangas considered claimant's request, and on June 12, 2025 issued Order No. 25-UI-294777, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by June 26, 2025.

On June 23, 2025, claimant filed a timely response to the appellant questionnaire with the Department. The Office of Administrative Hearings (OAH) was unaware of the timely filing. On August 6, 2025, claimant sent an email to OAH which was treated as a late response to the appellant questionnaire. ALJ Kangas considered the late response, and on September 25, 2025 issued Order No. 25-UI-305063, re-dismissing claimant's late request for hearing because the response was late. On October 14, 2025, claimant filed an application for review of Order No. 25-UI-305063 with the Employment Appeals Board (EAB).

After Order No. 25-UI-305063 was issued, OAH became aware of claimant's June 23, 2025 timely appellant questionnaire response. ALJ Kangas considered the response, and on October 15, 2025 issued Amended Order No. 25-UI-307370, canceling Order No. 25-UI-294777 and re-dismissing claimant's request for hearing as late without a showing of good cause. EAB applied claimant's October 14, 2025, application for review to Amended Order No. 25-UI-307370.

¹ Decision # L0006635620 stated that claimant was denied benefits from September 29, 2024 to September 27, 2025. However, decision # L0006635620 should have stated that claimant was disqualified from receiving benefits beginning September 29, 2024 and until he earned four times his weekly benefit amount. See ORS 657.176.

WRITTEN ARGUMENT: Claimant included a written argument with their application for review on October 14, 2025, and filed another written argument on November 10, 2025. EAB did not consider claimant's October 14, 2025 argument because he did not state that he provided a copy to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). EAB did not consider claimant's November 10, 2025 argument because it was not relevant and material to EAB's determination of whether to allow claimant's late request for hearing. ORS 657.275(2) and OAR 471-041-0090(1)(b)(A) (May 13, 2019).

FINDINGS OF FACT: (1) Decision # L0006635620, issued on October 18, 2024, stated, "You have the right to appeal our decision and request a hearing if you believe our decision is wrong. We must receive your request for a hearing no later than **November 7, 2024.**" Exhibit 1 at 2. (emphasis in original). Decision # L0006635620 was mailed to claimant's address on file with the Department.

(2) Claimant stated in his late request for hearing on decision # L0006635620 that his reason for appealing was:

i want to appeal my decision for being denied because i have been out of work since i left my job the reason i left has to do with health issues. i have been on paid leave Oregon before for my mental health and that should qualify me for my benefits as well. i been trying to get back to work for months now and have struggled severely and i could really use my benefits i would have been getting other wise. i would also like back paid benefits from the time I should have been getting them till now.

Exhibit 2 at 4.

(3) Claimant stated in his June 23, 2025 appellant questionnaire response that he did not file the request for hearing before the deadline because "I wasn't sure I could or if it needed to". Exhibit 4 at 5.

CONCLUSIONS AND REASONS: Claimant's late request for hearing on decision # L0006635620 is 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.

Claimant's late request for hearing on decision # L0006635620 was due by November 7, 2024. Because claimant did not file his request for hearing until May 19, 2025, his request for hearing was late.

Claimant did not indicate in his response to the appellant questionnaire that he did not timely receive a copy of decision # L0006635620 or that circumstances beyond his reasonable control prevented him from filing a timely request for hearing. Instead, claimant indicated that he did not file the hearing request before the deadline because he "wasn't sure" whether he could file or whether he needed to. Exhibit 4 at 5. Although claimant may have been unsure whether or not he wanted to file a request for hearing after receiving the decision denying him benefits, and his failure to take action was likely the result of a mistake on his part, it was not an "excusable mistake" within the meaning of the

administrative rules because it did not, for example, raise a due process issue, and was not the result of inadequate notice, reasonable reliance on another, or the inability to follow directions despite substantial efforts to comply.

Claimant therefore failed to establish good cause for his late request for hearing on decision # L0006635620, and his late request for hearing is dismissed.

DECISION: Order No. 25-UI-307370 is affirmed.

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

DATE of Service: November 13, 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، می توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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