

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0640

Reversed & Remanded

PROCEDURAL HISTORY: On February 28, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide information to verify their identity in accordance with the Department's rules and was ineligible for benefits from February 4 through 24, 2024 (weeks 06-24 through 08-24) and until the reason for the denial ended (decision # 92016). On March 19, 2024, decision # 92016 became final without claimant having filed a request for hearing. On April 22, 2024, claimant filed a late request for hearing on decision # 92016. ALJ Kangas considered claimant's request, and on May 30, 2024 issued Order No. 24-UI-255360, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by June 13, 2024.

On June 20, 2024, Order No. 24-UI-255360 became final without claimant having filed a response to the appellant questionnaire or an application for review with the Employment Appeals Board (EAB). On October 8, 2025, claimant filed a late response to the appellant questionnaire. ALJ Kangas considered claimant's response, and on October 14, 2025 issued Order No. 25-UI-307126, re-dismissing claimant's late request for hearing as late without good cause and leaving decision # 92016 undisturbed. On October 23, 2025, claimant filed an application for review of Order No. 25-UI-307126 with EAB.

WRITTEN ARGUMENT: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). Claimant's argument contained information that was not part of the record while the matter was pending before the Office of Administrative Hearings (OAH), but the information is relevant and material, and factors or circumstances beyond claimant's reasonable control prevented them from offering the information during the hearing. *See* ORS 657.275(2) and OAR 471-041-0090(1). As explained in further detail below, while claimant's late request for hearing on decision # 92016 was pending before OAH, the Department issued another administrative decision that also denied claimant benefits because claimant had not verified their identity. Claimant timely appealed that decision. Given this, it stands to reason that claimant would not have had reason to believe that they were required to separately appeal Order No. 24-UI-255360, alongside which claimant could have otherwise included information on the reason that they failed to file a timely request for hearing on decision # 92016. This was a factor beyond claimant's reasonable control. The information in claimant's written argument has been marked and admitted as EAB Exhibit 1. Any party that objects to EAB

admitting EAB Exhibit 1 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 exhibit will remain in the record.

FINDINGS OF FACT: (1) On February 28, 2024, the Department mailed decision # 92016 to claimant's address on file with the Department. Decision # 92016 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 March 19, 2024." Exhibit 1 at 2. The Department mailed decision # 92016 to a PO box in Silver City, New Mexico.

(2) At the time that decision # 92016 was issued, claimant was living in New Mexico. While in New Mexico, claimant's housemate collected claimant's mail but did not give claimant their mail "in a timely manner." EAB Exhibit 1 at 1. Claimant was a wildland firefighter, and "had back luck in terms of being home at the right time to check [their] PO box for important notices and eventually got too overwhelmed to keep up with appealing the decisions that were sent [their] way." Exhibit 3 at 1.

(3) At "the end of March" 2024, claimant returned to Oregon, at which point they "went in person to the local WorkSource office to try to resolve the problem" of their identity verification. EAB Exhibit 1 at 1. On April 22, 2024, claimant "filed a hearing request as soon as [they] understood the necessity to do so, not realizing that the filing was considered late." EAB Exhibit 1 at 2.

CONCLUSIONS AND REASONS: Order No. 25-UI-307126 is set aside and this matter remanded for a hearing on whether to allow claimant's late request for hearing on decision # 92016 and, if so, 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 request for hearing on decision # 92016 was due by March 19, 2024. Because claimant did not file their request for hearing until April 22, 2024, the request was late. In their written argument, claimant explained that they failed to file a timely request for hearing because they were living in New Mexico, apparently temporarily, and their housemate who was collecting claimant's mail failed to provide it to claimant in a timely manner. This suggests that claimant may have failed to timely receive decision # 92016 due to factors or circumstances beyond their reasonable control. However, further development of the record is necessary to determine whether claimant had good cause for filing the late request for hearing and, if so, whether they filed it within a reasonable time.

On remand, the ALJ should inquire as to when and where, if at all, claimant received decision # 92016, what were the terms of claimant's arrangement with their housemate regarding mail collection, why claimant could not or did not retrieve their own mail during the time that decision # 92016 was issued, and whether any other factors contributed to claimant not having timely received decision # 92016. The ALJ should also inquire as to what, if anything, they were told about decision # 92016 when they visited the WorkSource office in late March 2024, when claimant first became aware of their right to appeal the

decision, and what prompted them to file the request for hearing on April 22, 2024 (as opposed to some earlier date).

Order No. 25-UI-307126 therefore is set aside, and this matter remanded for a hearing on whether to allow claimant's late request for hearing and, if so, the merits of decision # 92016.

DECISION: Order No. 25-UI-307126 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 18, 2025

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-307126 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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