

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0657-R

Request for Reconsideration Allowed

*EAB Decision 2025-EAB-0657 Reversed on Reconsideration ~ Late Application for Review Allowed
Order No. 25-UI-306326 Reversed ~ Late Request for Hearing Allowed ~ Merits Hearing Required*

PROCEDURAL HISTORY: On September 3, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide identity verification information in accordance with the Department's rules and was therefore ineligible for unemployment insurance benefits for the week of August 24 through 30, 2025 (week 35-25), and until the reason for the denial ended (decision # L0012713586). On September 23, 2025, decision # L0012713586 became final without claimant having filed a request for hearing.

On September 27, 2025, claimant filed a late request for hearing on decision # L0012713586. ALJ Kangas considered claimant's request, and on October 8, 2025 issued Order No. 25-UI-306326, dismissing claimant's request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by October 22, 2025. On October 28, 2025, Order No. 25-UI-306326 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 30, 2025, claimant filed a late response to the appellant questionnaire and a late application for review of Order No. 25-UI-306326 with EAB.

On November 21, 2025, EAB issued EAB Decision 2025-EAB-0657, dismissing claimant's late application for review without prejudice, subject to their right to request reconsideration and provide additional evidence to EAB regarding the reasons for the late filing. On December 3, 2025, claimant filed a timely request for reconsideration of EAB Decision 2025-EAB-0657. This decision is made under EAB's authority from ORS 657.290(3).

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence consists of claimant's request for reconsideration and attached document, which has been marked as EAB Exhibit 2; and claimant's appellant questionnaire response claimant mailed with their late application for review, which has been marked as EAB Exhibit 3. EAB Exhibits 2 and 3 are 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,

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 exhibits will remain in the record.

FINDINGS OF FACT: (1) On September 3, 2025, the Department mailed decision # L0012713586 to claimant's address of record on file with the Department. The administrative decision 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 hearing no later than **September 23, 2025**." Exhibit 1 at 2 (emphasis in original).

(2) On June 1, 2025, claimant moved to Kentucky. As soon as claimant moved to Kentucky, they began experiencing homelessness. As a result, claimant did not promptly receive decision # L0012713586.

(3) On September 23, 2025, decision # L0012713586 became final without claimant having filed a request for hearing.

(4) On September 26, 2025, claimant received decision # L0012713586. On September 27, 2025, claimant filed a late request for hearing on decision # L0012713586.

(5) On October 8, 2025, the Office of Administrative Hearings (OAH) mailed Order No. 25-UI-306326 to claimant's address of record on file with the Department. Order No. 25-UI-306326 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. 25-UI-306326 at 2. Order No. 25-UI-306326 also stated on its certificate of mailing, "Any party may appeal this Order by filing a Request for Review with the Employment Appeals Board no later than October 28, 2025."

(6) Claimant did not initially receive Order No. 25-UI-306326. On October 28, 2025, Order No. 25-UI-306326 became final without claimant having filed an application for review with EAB.

(7) On October 30, 2025, claimant received Order No. 25-UI-306326. On the same day, claimant filed a late application for review of the order with EAB.

CONCLUSIONS AND REASONS: Claimant's request for reconsideration is allowed. On reconsideration, claimant's late application for review of Order No. 25-UI-306326 is allowed. Order No. 25-UI-306326 is reversed, and claimant's late request for hearing on decision # L0012713586 is allowed. This matter is remanded for a hearing on the merits of decision # L0012713586.

Request for Reconsideration. ORS 657.290(3) permits the Employment Appeals Board to reconsider any past decision of the Employment Appeals Board, including "the making of a new decision to the extent necessary and appropriate for the correction of previous error of fact or law." The request will be dismissed unless it is filed within 20 days after the decision the party wants to be reconsidered was mailed. OAR 471-041-0145(2) (May 13, 2019).

EAB dismissed claimant's late application for review without prejudice, allowing them to file a request for reconsideration with additional evidence regarding the late filing. Claimant filed a request for reconsideration that met the requirements in OAR 471-041-0145. The request for reconsideration is therefore allowed.

Late Application for Review. 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 deadline to file an application for review of Order No. 25-UI-306326 was October 28, 2025. Because claimant did not file their application for review until October 30, 2025, the application for review was late.

Claimant established good cause to extend the deadline to file the application for review and filed within a reasonable time. The information in claimant’s reconsideration request provides that claimant moved to Kentucky on June 1, 2025, and upon completing the move, began experiencing homelessness. EAB Exhibit 2 at 1. Claimant arranged to receive mail in Kentucky, but “was not always told when [they] got mail.” EAB Exhibit 2 at 1. On October 30, 2025, claimant “was told [they] got mail[,]” which, more likely than not, is a reference to having received Order No. 25-UI-306326 in the mail. EAB Exhibit 2 at 1. Claimant’s reconsideration request explains that claimant then “[w]ent and got it and got it out that very same day[,]” meaning, claimant filed their late application for review the same day. EAB Exhibit 2 at 1.

Thus, the information provided establishes that due to their homelessness, claimant did not initially receive Order No. 25-UI-306326, a circumstance beyond claimant’s reasonable control. On October 30, 2025, claimant obtained the order, and the circumstance beyond their reasonable control that prevented a timely filing ended. On the same day, and therefore within a seven-day reasonable time, claimant filed their late application for review. Accordingly, claimant established good cause to extend the deadline to file an application for review and filed within a reasonable time. The late application for review is therefore allowed.

Late Request for Hearing. 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 # L0012713586 was September 23, 2025. Because claimant did not file a request for hearing until September 27, 2025, the request for hearing was late.

Claimant established good cause to extend the deadline to file a request for hearing on decision # L0012713586, and filed within a seven-day reasonable time. The information in claimant’s appellant questionnaire response shows that during September 2025, claimant was “couch surfing” and experiencing homelessness. EAB Exhibit 3 at 2. Claimant received decision # L0012713586 on

September 26, 2025. EAB Exhibit 3 at 1. Claimant filed their late request for hearing on decision # L0012713586 on September 27, 2025. Exhibit 3 at 1. Claimant was prompted to file their late request for hearing that day because they “Just got this mail from [their] mailing address,” with “this mail” being a reference to decision # L0012713586. Exhibit 3 at 2.

Thus, more likely than not, claimant’s homelessness prevented claimant from initially receiving decision # L0012713586 and therefore to file by the September 23, 2025 deadline. Claimant’s failure to receive the administrative decision was a factor beyond their reasonable control that established good cause to extend the deadline to file until September 26, 2025, when claimant received decision # L0012713586 and the factor ended. The next day, September 27, 2025, claimant filed their late request for hearing. Claimant therefore established good cause to extend the deadline to file the request for hearing, and filed within a reasonable time. The late request for hearing is therefore allowed.

In sum, claimant’s late application for review and late request for hearing are allowed. This matter is remanded for a hearing on the merits of decision # L0012713586.

DECISION: Claimant’s request for reconsideration is allowed. On reconsideration, EAB Decision 2025-EAB-0657 is reversed, as explained in this decision. Order No. 25-UI-306326 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: January 8, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-306326 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 – 本判决会影响您的失业救济金。如果您不明白本判决, 请立即联系就业上诉委员会。如果您不同意此判决, 您可以按照该判决结尾所写的说明, 向俄勒冈州上诉法院提出司法复审申请。

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 Tự 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 – សេចក្តីសម្រាប់នាមដានដល់ប៉ះពាល់ដល់អគ្គប្រយោជន៍ត្រានការងារធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រាប់នេះ សូមទាក់ទងគណៈកម្មការខ្លួនរបៀបងារភ្លាមៗ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រាប់នេះទេ លោកអ្នកអាចជាក់ពាក្យបីដែលសំច្បូរមានការពិនិត្យឱ្យក្នុងវិញ្ញាបាមួយគុណភាពខ្លួនរណ៍ដូច Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសាសនាឌានចងបញ្ចប់នៃសេចក្តីសម្រាប់នេះ។

Laotian

ເອີໃຈໃສ່ – ຄຳຕັດສິນນີ້ມີຜົນກະທິບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການທ່ວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄຳຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນຫັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນຄຳຕັດສິນນີ້, ທ່ານສາມາດຢືນຄໍາຮ້ອງຂໍການທີບຫວນຄຳຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ໄດ້ປະຕິບັດຕາມຄໍາແນະນຳໃຫ້ປະກໄວ້ຢ່າງຫອງຄຳຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطلة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فوراً، وإذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للبرلمانية القانونية بمحكمة الاستئناف بأورغون وذلك باتخاذ الإرشادات المدرجة أسفل القرار.

Farsi

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلا فاصله با هیأت فر جام خواهی استخدام تماس بگیرید. اگر از این حکم رضایت ندارید، می توانید با استفاده از دستور العمل موجود در پیان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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