

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0659**

*Reversed & Remanded*

**PROCEDURAL HISTORY AND FINDINGS OF FACT:** On July 8, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant filed a late claim for benefits for the week of June 8 through 14, 2025 (week 24-25) and was ineligible for benefits for that week (decision # L0011622743). Also on July 8, 2025, the Department served notice of an administrative decision concluding that claimant filed a late claim for benefits for the week of June 15 through 21, 2025 (week 25-25) and was ineligible for benefits for that week (decision # L0011705424).<sup>1</sup> Claimant filed timely requests for hearing on both administrative decisions.

On August 20 2025, the Office of Administrative Hearings (OAH) served notice of a hearing on decisions # L0011622743 and L0011705424 scheduled for September 4, 2025. On September 4, 2025, claimant failed to appear at the hearing, and ALJ Enyinnaya issued Orders No. 25-UI-302334 and 25-UI-302333, dismissing claimant's requests for hearing on decisions # L0011622743 and L0011705424 due to claimant's failure to appear. On September 24, 2025, Orders No. 25-UI-302334 and 25-UI-302333 became final without OAH having received a request to reopen the hearing. On September 25, 2025, claimant filed a late request to reopen the hearing. ALJ Kangas considered claimant's request, and on October 14, 2025, issued Orders No. 25-UI-307159 and 25-UI-307147, denying the request as late without good cause and leaving Orders No. 25-UI-302334 and 25-UI-302333 undisturbed.

On November 3, 2025, claimant filed applications for review of Orders No. 25-UI-307159 and 25-UI-307147 with EAB. EAB combined its review of Orders No. 25-UI-307159 and 25-UI-307147 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2025-EAB-0660 and 2025-EAB-0659).

<sup>1</sup> Decision # L0011705424 stated that claimant was denied benefits for the week of June 16 through 21, 2025. The beginning date appears to be error, however, as June 16, 2025 was a Monday, and benefit denials begin on the Sunday of the effective week. As such, it is presumed that the Department intended to deny claimant benefits for the week of June 16 through 21, 2025.

**WRITTEN ARGUMENT:** Claimant’s argument contained new information, seemingly regarding either why they failed to appear at the hearing or why their request to reopen the hearing was late, but did not show that factors or circumstances beyond their reasonable control prevented them from offering the information into the hearing record before the ALJ at OAH with their request to reopen as required by OAR 471-040-0040(3) (February 10, 2012). Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB did not consider claimant’s new information.

The parties may offer new information, such as that contained in claimant’s written argument, into evidence at the remand hearing. At that time, the ALJ will determine if the new information will be admitted into the record. The parties must follow the instructions on the notice of the remand hearing about documents they wish to have considered at the hearing. These instructions will direct the parties to provide copies of such documents to the ALJ and the other parties before the hearing at their addresses on the certificate of mailing for the notice of hearing.

**CONCLUSIONS AND REASONS:** Orders No. 25-UI-307159 and 25-UI-307147 are set aside and these matters remanded for further development of the record.

ORS 657.270(5) states that any party who failed to appear at a hearing may request to reopen the hearing, and the request will be allowed if it was filed within 20 days of the date the hearing decision was issued and shows good cause for failing to appear. The period within which a party may request reopening may be extended if the party has good cause for failing to request reopening within the time allowed, and acts within a reasonable time. OAR 471-040-0041(1) (February 10, 2012). “Good cause” exists when an action, delay, or failure to act arises from an excusable mistake or from factors beyond an applicant’s reasonable control. OAR 471-040-0041(2). “A reasonable time,” is seven days after the circumstances that prevented a timely filing ended. OAR 471-040-0041(3). The party requesting reopening must state the reason(s) for filing a late request to reopen in a written statement, which OAH shall consider in determining whether good cause exists for the late filing, and whether the party acted within a reasonable time. OAR 471-040-0041(4).

The request to reopen the September 4, 2025 hearing was due by September 24, 2025. Because claimant did not file their request to reopen the hearing until September 25, 2025, the request was late. Claimant did not include with their request an explanation for why the request was late, and therefore has not shown, on this record, good cause for the late filing.

Nevertheless, claimant’s September 25, 2025 reopen request suggests that they may have previously filed a *timely* reopen request the day prior. With the late request, which was sent to OAH via email at 5:00 a.m. on September 25, 2025, claimant included an image of a hand-written application for review form, dated September 24, 2025, with a header that reads “Sep 24, Fax.” Order No. 25-UI-307147, Exhibit 5 at 2. Claimant did not offer an explanation for this image.

On remand, the ALJ should inquire as to whether claimant filed, or attempted to file, their request to reopen the hearing on or prior to September 24, 2025 (by fax or any other means), and whether any such attempt was successful.<sup>2</sup> If the record on remand shows that claimant was unsuccessful in their attempt

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<sup>2</sup> Claimant may wish to introduce into the record any documentary evidence which shows that they submitted, or attempted to submit, a request to reopen the hearing on or before September 24, 2025. To do so, claimant must follow the instructions on the notice of the remand hearing about documents they wish to have considered at the hearing

to submit their request to reopen on or prior to September 24, 2025, the ALJ should inquire as to why any such attempt was unsuccessful, in order to determine whether this constituted good cause for the late filing on September 25, 2025. If the record on remand shows that claimant filed a timely request to reopen the hearing, or that the deadline for filing a timely request should be extended, the ALJ should then consider whether claimant had good cause for failing to appear at the hearing and, if so, should proceed to the merits of decisions # L0011622743 and L0011705424.

**DECISION:** Orders No. 25-UI-307159 and 25-UI-307147 are set aside, and these matters remanded for further proceedings consistent with this order.

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

**DATE of Service: December 4, 2025**

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Orders No. 25-UI-307159 and 25-UI-307147 or return these matters to EAB. Only timely applications for review of the orders 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**

Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711

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