

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0668

Reversed
Late Request for Hearing Allowed
Merits Hearing Required

PROCEDURAL HISTORY: On June 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 ineligible for benefits beginning May 25, 2025 (decision # L0011054942). On June 23, 2025, decision # L0011054942 became final without claimant having filed a request for hearing. On September 14, 2025, claimant filed a late request for hearing. ALJ Kangas considered claimant's request, and on October 27, 2025 issued Order No. 25-UI-308448, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by November 10, 2025, or an application for review with the Employment Appeals Board (EAB) by November 17, 2025. On November 7, 2025, claimant filed a timely application for review with EAB that included a response to the appellant questionnaire.

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is claimant's appellant questionnaire response, which has been marked as EAB Exhibit 1 and 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 exhibit will remain in the record.

FINDINGS OF FACT: (1) On or about May 4, 2025, claimant filed an initial claim for unemployment insurance benefits. Claimant later claimed benefits for the weeks from May 4 through 24, 2025 (weeks 19-25, 20-25, and 21-25). Claimant received waiting week credit for week 19-25. Claimant did not receive benefits for week 20-25 because they had earnings that week that exceeded their weekly benefit amount.¹

¹ EAB has taken notice of the facts contained in this paragraph, 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.

(2) On May 28, 2025, claimant claimed and was paid benefits for week 21-25. Claimant then began working full-time and did not claim benefits for a few months.

(3) On June 3, 2025, the Department issued decision # L0011054942 by uploading the administrative decision to claimant's Frances Online account. Decision # L0011054942 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 **June 23, 2025.**" Exhibit 1 at 2 (emphasis in original). The Department did not mail decision # L0011054942 to claimant's address.

(4) Claimant did not receive decision # L0011054942 after it was issued because the administrative decision was not mailed to claimant's residence, and claimant stopped checking their Frances Online account once they stopped claiming benefits after May 28, 2025.

(5) In August 2025, claimant stopped working full time and decided to again claim benefits. Claimant claimed benefits for the week of August 24 through 30, 2025 (week 35-25) on September 1, 2025. Claimant claimed benefits for the week of August 31 through September 6, 2025 (week 36-25) on September 7, 2025. Claimant was denied benefits for both weeks because of decision # L0011054942. When claimant claimed the weeks and was denied benefits, however, claimant was not informed why their benefits were denied.

(6) On September 11, 2025, claimant contacted the Department to inquire why benefits had been denied for weeks 35-25 and 36-25. Claimant reached a representative who informed claimant that the denial of benefits was based on decision # L0011054942, and provided claimant instructions on how to appeal the decision.²

(7) On September 14, 2025, claimant filed a late request for hearing on decision # L0011054942.

CONCLUSIONS AND REASONS: Claimant's late request for hearing on decision # L0011054942 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 # L0011054942 was June 23, 2025. Because claimant did not file their hearing request until September 14, 2025, the request for hearing was late.

Claimant established good cause to extend deadline to file a request for hearing and filed within a reasonable time. Claimant did not receive decision # L0011054942 when it was issued because it was

² EAB has taken notice of the facts contained in this paragraph, 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.

not mailed to claimant. Although the administrative decision was uploaded to claimant's Frances Online account, claimant had stopped checking their Frances Online account after May 28, 2025, when they began working full-time and stopped claiming benefits for a few months. It was not unreasonable for claimant to stop checking their Frances Online account after they stopped claiming benefits for a time.

That claimant did not receive decision # L0011054942 and was unaware of the decision's existence and their right to appeal were factors beyond claimant's reasonable control that prevented a timely filing. Those factors ended on September 11, 2025, when claimant was informed by a Department representative that the denial of benefits for weeks 35-25 and 36-25 was based on decision # L0011054942, and provided with instructions on how to appeal the decision. Because September 14, 2025 was within seven days of September 11, 2025, claimant filed their late request for hearing within the seven-day reasonable time period.

Claimant's late request for hearing on decision # L0011054942 is allowed, and this matter remanded for a hearing on the merits of that decision.

DECISION: Order No. 25-UI-308448 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: December 9, 2025

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-308448 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 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

Email: appealsboard@employ.oregon.gov

Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

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