

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0681

*Reversed
Late Request for Hearing Allowed
Merits Hearing Required*

PROCEDURAL HISTORY: On March 4, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide information by verifying their identity, and was therefore ineligible to receive unemployment insurance benefits effective February 23, 2025 and until the reason for the denial ended (decision # L0009579564). On March 24, 2025, decision # L0009579564 became final without claimant having filed a request for hearing. On September 17, 2025, claimant filed a late request for hearing. ALJ Kangas considered the request, and on November 10, 2025, issued Order No. 25-UI-310733, dismissing the request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by November 24, 2025. On November 14, 2025, claimant filed an appellant questionnaire response and application for review with the Employment Appeals Board (EAB).¹

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, 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, saying 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 January 31, 2025, claimant filed an initial claim for unemployment insurance benefits that the Department determined was monetarily valid.² Claimant claimed and was

¹ Claimant supplemented the appellant questionnaire response on December 4, 2025.

² EAB has taken notice of this fact, which is 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 fact will remain in the record.

allowed waiting week credit for the week of January 26, 2025 through February 1, 2025 (week 05-25). Thereafter, claimant returned to work and did not file claims for the succeeding weeks.

(2) Decision # L0009579564, mailed to claimant's address on file with the Department on March 4, 2025, 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 **March 24, 2025**." Exhibit 1 at 2 (emphasis in original).

(3) Claimant received decision # L0009579564 shortly after it was mailed. At some point between the time claimant received the decision and March 24, 2025, claimant's vehicle was broken into and correspondence from the Department was stolen. Claimant understood that the decision dealt with the issue of identity verification, but did not thoroughly read and understand other aspects of the decision prior to its theft. As claimant had not claimed benefits and did not plan to do so in the foreseeable future, they did not immediately seek information from the Department about identity verification requirements or request a copy of decision # L0009579564.

(4) In early August 2025, claimant anticipated filing weekly claims for benefits. As such, claimant began calling the Department for information about identity verification, but was unable to reach a representative. Claimant sent online messages to the Department seeking this information on August 13, August 19, and September 8, 2025. On September 16, 2025, a Department representative replied with instructions for identity verification. The reply also stated that claimant had been denied benefits on the claim and could file an appeal of the denial, and listed instructions for filing a late request for hearing on decision # L0009579564.

(5) On September 17, 2025, claimant went to a WorkSource office to complete identity verification and, during that visit, filed a late request for hearing on decision # L0009579564.

CONCLUSIONS AND REASONS: Claimant's late request for hearing is allowed, and a hearing on the merits of decision # L0009579564 is required.

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 # L0009579564 was due by March 24, 2025. Claimant's request for hearing was filed on September 17, 2025, and was therefore late.

Claimant wrote in the appellant questionnaire response, where asked why the request for hearing was not filed by the deadline, "I only had one waiting week in Jan 2025, then I was back to work. You guys sent paperwork after that but it was stolen along with everything out of my truck while working. . . Didn't know if need for a appeal as I didn't have the paperwork." EAB Exhibit 1 at 2. Claimant explained elsewhere in the questionnaire response, "Sometime after February I was sent something asking to identify my identity by the unemployment office. The paperwork I was sent was in my truck.

While I was working my truck window was bashed in and everything was stolen, including the paperwork the unemployment office had sent to me.” EAB Exhibit 1 at 3.

It is reasonable to infer from these statements that decision # L0009579564 was among the paperwork stolen; that the theft occurred shortly after decision # L0009579564 was received, and therefore between March 4 and March 24, 2025; and that while claimant understood decision # L0009579564 concerned identity verification, the theft prevented claimant from more thoroughly reading the portions of the decision relating to benefit ineligibility and appeal rights prior to the appeal deadline.³ As claimant had not claimed benefits and did not plan to do so for the foreseeable future at the time of the theft, they did not immediately seek information about the claim correspondence that had been stolen. The theft of the administrative decision, which limited claimant’s ability to fully read and consider its contents, including information about the right to appeal and the deadline by which to do so, was a factor beyond claimant’s reasonable control that prevented timely filing of a request for hearing. Therefore, good cause has been shown to extend the filing deadline.

The factor that prevented timely filing continued until September 16, 2025, when claimant learned from a Department representative of the effect of the administrative decision and the right to file a late request for hearing. Because claimant filed the late request for hearing the following day, it was filed within a “reasonable time.” Accordingly, claimant’s late request for hearing is allowed, and the matter is remanded for a hearing on the merits of decision # L0009579564.

DECISION: Order No. 25-UI-310133 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 19, 2025

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-310733 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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³ As decision # L0009579564 asserted that claimant had missed the deadline by which to verify their identity prior to or during the week of February 23, 2025, it stands to reason that the only correspondence from the Department sent immediately after February 2025 regarding identity verification was decision # L0009579564, and that it therefore was among the paperwork stolen. *See Exhibit 1 at 1.*



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 naaiintindihan 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 – សេចក្តីសម្រាប់នោនដិលប៉ះពាល់ដិលអត្ថប្រយោជន៍ត្រានការងារធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រាប់នោន គួរតាកំឡុងគោលការងារភ្លាមៗ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រាប់នោនទេ លោកអ្នកអារ៉ាកាត់ពាក្យប្រើបង្រួចរួចរាល់នូវការងារភ្លាមៗនៅទី Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ហាប់នៃសេចក្តីសម្រាប់នោន។

Laotian

ເອົາໃຈໃສ່ – ຄຳຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄຳຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກໍາມະການອຸທອນການຈ້າງງານໃນທັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນຄຳຕັດສິນນີ້, ທ່ານສາມາດຢືນຄໍາຮ້ອງຂໍການທີບທວນຄຳຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນຳທີ່ບອກໄວ້ຢ່າງເອົາໃຈໃສ່.

Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، اتصل بمجلس منازعات العمل فوراً، وإذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمرجعية القانونية بمحكمة الاستئناف بأورغون و ذلك باتباع 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 فرجم خواهی استفاده کنید. 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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El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.