

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0712**

*Affirmed*  
*Late Request to Reopen Denied*

**PROCEDURAL HISTORY:** On April 22, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause and was disqualified from receiving benefits effective December 29, 2024 (decision # L0010412026).<sup>1</sup> Claimant filed a timely request for hearing. On July 16, 2025, the Office of Administrative Hearings (OAH) issued notice that a hearing on decision # L0010412026 was scheduled for July 28, 2025 at 9:30 a.m. On July 28, 2025, claimant failed to appear at the hearing, and ALJ Chiller issued Order No. 25-UI-298860, dismissing claimant's request for hearing based on their failure to appear.

On August 18, 2025, Order No. 25-UI-298860 became final without claimant having filed a request to reopen the July 28, 2025 hearing. On October 6, 2025, claimant filed a late request to reopen the hearing. ALJ Kangas considered claimant's request to reopen, and on October 14, 2025 issued Order No. 25-UI-307048, denying the request and leaving Order No. 25-UI-298860 undisturbed. On November 3, 2025, claimant filed an application for review of Order No. 25-UI-307048 with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** EAB did not consider claimant's written argument because they did not state that they provided a copy of their argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019).

**FINDINGS OF FACT:** (1) On April 22, 2025, the Department issued decision # L0010412026, which concluded that claimant had quit working for the employer without good cause and was disqualified from receiving benefits. On May 12, 2025, claimant filed a timely request for hearing on decision # L0010412026.

<sup>1</sup> Decision # L0010412026 stated that claimant was denied benefits from December 29, 2024 to March 7, 2026. However, decision # L0010412026 should have stated that claimant was disqualified from receiving benefits beginning December 29, 2024 and until they earned four times their weekly benefit amount. See ORS 657.176.

(2) In late May 2025, claimant received a letter from OAH advising that if claimant did not receive notice of a hearing in the matter within six weeks, to call OAH. On July 15, 2025, claimant attempted to call OAH but could not connect with a representative and left a voicemail.

(3) On July 16, 2025, claimant left Oregon on a two-month primitive camping trip in a backcountry setting during which they would not have access to their mail or reliable telephone or internet service.

(4) Also on July 16, 2025, OAH mailed to claimant notice of a hearing on decision # L0010412026 scheduled for July 28, 2025 at 9:30 a.m. Claimant did not receive the hearing notice because they were out of state on the camping trip.

(5) On July 28, 2025, claimant did not appear for the hearing, and ALJ Chiller issued Order No. 25-UI-298860, dismissing the hearing request on decision # L0010412026 due to claimant's failure to appear. OAH mailed Order No. 25-UI-298860 to claimant's address of record. Order No. 25-UI-298860 stated, in relevant part:

If you did not appear at the hearing, you may request to reopen the hearing. These requests are governed by OAR 471-040-0040 and 471-040-0041 and should be filed with the Office of Administrative Hearings. Your request to reopen the hearing must: 1) be in writing; 2) show good cause for failing to appear at the hearing; "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; and 3) either be filed within 20 days of when the order from the hearing you missed was mailed, or else show good cause to extend the period to request reopening of your case, and show that you filed your reopen request within seven days of when those factors or circumstances ceased to exist.

Order No. 25-UI-298860 at 2. Claimant did not initially receive Order No. 25-UI-298860 because they were out of state on the camping trip.

(6) On September 17, 2025, claimant returned to Oregon from their trip and received the notice of hearing and Order No. 25-UI-298860. However, claimant was unsure how to respond to Order No. 25-UI-298860.

(7) On September 18 and 19, 2025, claimant communicated with an OAH hearings coordinator. The hearings coordinator told claimant to follow the instructions on Order No. 25-UI-298860 regarding how to request a reopening of the July 28, 2025 hearing.

(8) However, claimant was still unsure how to proceed and decided to claim a week of benefits and see if the Department would pay the claim. Claimant claimed benefits for the week of September 21 through 27, 2025 (week 39-25) and was denied benefits.

(9) On October 3, 2025, claimant again communicated with the hearings coordinator again and told the coordinator that they planned to file a request to reopen on October 6, 2025. On October 6, 2025, claimant filed their reopen request.

**CONCLUSIONS AND REASONS:** Claimant's late request to reopen is denied.

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 deadline for claimant to file a request to reopen the July 28, 2025 hearing was August 18, 2025. Because claimant did not file their request to reopen until October 6, 2025, the request to reopen was late.

Claimant established good cause for failing to file their reopen request by the deadline. However, claimant did not file their late reopen request within a reasonable time, and the request to reopen therefore is denied.

Claimant had good cause for failing to request reopening by the August 18, 2025 deadline. This is so because claimant did not initially receive the hearing notice, missed the hearing, and did not initially receive Order No. 25-UI-298860 because they were out of state on a primitive camping trip without access to their mail, or reliable telephone or internet service. Due to their presence elsewhere, claimant was not on notice that the hearing request had been dismissed via Order No. 25-UI-298860, or that they had until August 18, 2025 to request a reopening of the hearing. The wisdom of scheduling a multiple month primitive camping trip while an appeal claimant had requested on decision # L0010412026 remained pending and unresolved is open to question. Nevertheless, claimant had waited approximately two months after filing the hearing request without having received notice of a hearing in the matter, and had attempted to call OAH on July 15, 2025 but could not connect with a representative and left a voicemail. Viewed in its totality, the evidence is sufficient to conclude that it was beyond claimant's reasonable control to forego the camping trip and continue to await further developments on their pending appeal. As such, their failure to initially receive Order No. 25-UI-298860 and lack of knowledge regarding the deadline to file a reopen request that resulted from them being on the camping trip were similarly beyond their reasonable control.

However, claimant's October 6, 2025 filing was not within a seven-day "reasonable time" of when the circumstance that caused claimant to fail to file by the August 18, 2025 deadline ended. The circumstance that caused claimant not to file by the August 18, 2025 deadline was the fact that they were out of state when Order No. 25-UI-298860 was mailed. However, when claimant returned on September 17, 2025, claimant received the order and had access to the information contained in the order detailing their right to request reopening of the hearing, and what such a reopen request must include to be valid. Upon receiving this notice, the circumstance that caused claimant to fail to file by

the August 18, 2025 deadline ended, and claimant was required to file their reopen request within seven days.

In claimant's reopen request, claimant stated that they remained unsure how to respond at the point they received Order No. 25-UI-298860 on September 17, 2025. *See* Exhibit 5 at 3. They further explained that they did not file their reopen request until October 6, 2025, after they had had further communications with an OAH hearings coordinator in late September and early October 2025, as well as after having claimed and been denied week 39-25. *See* Exhibit 5 at 3. It is regrettable that claimant remained unsure how to proceed once they received Order No. 25-UI-298860 on September 17, 2025. However, the order contained the following information, which was ample to place claimant on notice of their right to request a reopening of the July 28, 2025 hearing:

If you did not appear at the hearing, you may request to reopen the hearing. These requests are governed by OAR 471-040-0040 and 471-040-0041 and should be filed with the Office of Administrative Hearings. Your request to reopen the hearing must: 1) be in writing; 2) show good cause for failing to appear at the hearing; "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; and 3) either be filed within 20 days of when the order from the hearing you missed was mailed, or else show good cause to extend the period to request reopening of your case, and show that you filed your reopen request within seven days of when those factors or circumstances ceased to exist.

Order No. 25-UI-298860 at 2.

This notice explained all the required aspects of a valid request to reopen. It was within claimant's reasonable control to have read the notice on September 17, 2025 and, if desired, file a reopen request within seven days.

The fact that claimant was unsure how to respond at the point they received Order No. 25-UI-298860, and, presumably, did not carefully read the information in the order outlining how to file a reopen request was likely the result of mistakes on claimant's part. However, those mistakes were not "excusable" within the meaning of the administrative rules because they did not, for example, raise a due process issue, and were not the result of inadequate notice, reasonable reliance on another, or the inability to follow directions despite substantial efforts to comply.

Claimant did not file their reopen request until October 6, 2025, which was more than seven days after the September 17, 2025 date that the circumstance that caused claimant to fail to file by the deadline ended. For these reasons, claimant did not file their late reopen request within a reasonable time. Claimant's late request to reopen is therefore denied.

**DECISION:** Order No. 25-UI-307048 is affirmed.

D. Hettle and A. Steger-Bentz;

S. Serres, not participating.

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

**NOTE:** You may appeal this decision by filing a Petition for Judicial Review with the Oregon Court of Appeals **within 30 days of the date of service stated above**. *See* ORS 657.282. For forms and information, visit <https://www.courts.oregon.gov/courts/appellate/forms/Pages/appeal.aspx> and choose the appropriate form under “File a Petition for Judicial Review.” You may also contact the Court of Appeals by telephone at (503) 986-5555, by fax at (503) 986-5560, or by mail at 1163 State Street, Salem, Oregon 97301.

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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**

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Website: [www.Oregon.gov/employ/pages/employment-appeals-board.aspx](http://www.Oregon.gov/employ/pages/employment-appeals-board.aspx)

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