

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0715

Reversed & Remanded

PROCEDURAL HISTORY AND FINDINGS OF FACT: On August 5, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant had failed to provide information requested about their claim for the week of July 13, 2025 through July 19, 2025 (week 29-25), and was therefore ineligible to receive unemployment insurance benefits for that week (decision # L0012232304). On August 25, 2025, decision # L0012232304 became final without claimant having filed a request for hearing. On September 15, 2025, claimant filed a late request for hearing. ALJ Kangas considered the request, and on November 4, 2025, issued Order No. 25-UI-309372, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by November 18, 2025. On November 14, 2025, claimant filed a timely appellant questionnaire response and application for review with the Employment Appeals Board (EAB).

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.

CONCLUSIONS AND REASONS: Order No. 25-UI-309372 is set aside, and the matter remanded for a hearing to decide whether claimant's late request for hearing should be allowed and, if so, the merits of decision # L0012232304.

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 # L0012232304 was due by August 25, 2025. Claimant's request for hearing was filed on September 15, 2025, and was therefore late. Claimant wrote that they received decision # L0012232304 on September 10, 2025, after the timely filing deadline. EAB Exhibit 1 at 1. Further development of the record is therefore warranted to determine whether good cause exists to extend the filing deadline, and whether claimant filed the late request for hearing within a "reasonable time."

On remand, inquiry should be made into whether claimant chose to receive Department correspondence electronically; whether they viewed the electronic version of decision # L0012232304 in Frances Online and, if so, when; whether claimant was claiming benefits or otherwise using Frances Online during the timely filing period; which version of decision # L0012232304 (the version uploaded on claimant's Frances Online account, or the version mailed to their address of record) claimant received on September 10, 2025, and what circumstances delayed receipt of it until that date; and whether any other circumstances prevented timely filing of the request for hearing. Further, if good cause is found to extend the filing deadline, additional inquiry should be made to determine when the circumstances that prevented filing ended, and whether the late request for hearing was filed within a seven-day "reasonable time" thereafter.

For these reasons, Order No. 25-UI-309372 is set aside, and the matter remanded for a hearing to determine whether claimant's late request for hearing should be allowed and, if so, the merits of decision # L0012232304.

DECISION: Order No. 25-UI-309372 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: December 18, 2025

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-309372 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 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 – សេចក្តីសិក្សប្រចាំនេះមានដល់បោះពុម្ពប្រយោជន៍គ្នានករង់រដ្ឋបស់លោកអ្នកទាំងមីនយល់អំពីសេចក្តីសិក្សប្រចាំនេះ សូមទាក់ទងគណៈកម្មការខ្លួនណ៍ការងារភ្នែកមីនយល់ស្របចំពោះសេចក្តីសិក្សប្រចាំនេះទេ លោកអ្នកអាជីវកម្មដែលបានការពិនិត្យឱ្យដឹងទិន្នន័យក្នុងរឿងរឿងរឿងរឿង Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរស់នៅខាងចុងបញ្ហាបែនសេចក្តីសិក្សប្រចាំនេះ។

Laotian

ເອົາໃຈສេះ – ຄាំពុះតាតិត្យនីមិត្តិនកម្មបានចំណែកចំណែកការងារភ្នែកមីនយល់អំពីសេចក្តីសិក្សប្រចាំនេះ សូមទាក់ទងគណៈកម្មការខ្លួនណ៍ការងារភ្នែកមីនយល់ស្របចំពោះសេចក្តីសិក្សប្រចាំនេះទេ ក្នុងរឿងរឿងរឿងរឿង Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរស់នៅខាងចុងបញ្ហាបែនសេចក្តីសិក្សប្រចាំនេះ។

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 للمراجعة القانونية بمحكمة الاستئناف بأوريغون و ذلك باتباع الإرشادات المدرجة أسفل القرار.

Farsi

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بالاصله با هیأت فرجام خواهی استخدام تماس بگیرید. 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.

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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