

**EMPLOYMENT APPEALS BOARD DECISION  
2025-EAB-0716**

*Reversed & Remanded*

**PROCEDURAL HISTORY AND FINDINGS OF FACT:** On August 26, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause on July 4, 2025 and was disqualified from receiving benefits beginning June 29, 2025 (decision # L0012634632).<sup>1</sup> On September 15, 2025, decision # L0012634632 became final without claimant having filed a request for hearing. On September 18, 2025, claimant filed a late request for hearing. ALJ Kangas considered claimant's request, and on November 3, 2025 issued Order No. 25-UI-309232, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by November 17, 2025, or file an application for review of No. 25-UI-309232 with the Employment Appeals Board (EAB) by November 24, 2025. On November 15, 2025, claimant filed a timely application for review of Order No. 25-UI-309232 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 response to the appellant questionnaire, 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.

<sup>1</sup> Decision # L0012634632 stated that claimant was denied benefits from July 13, 2025 to July 11, 2026. However, because decision # L0012634632 found that claimant quit on July 4, 2025, it should have stated that claimant was disqualified from receiving benefits beginning Sunday, June 29, 2025, and until they earned four times their weekly benefit amount. See ORS 657.176.

**CONCLUSIONS AND REASONS:** Order No. 25-UI-309232 is set aside and this matter remanded for a hearing on whether to allow claimant's late request for hearing on decision # L0012634632 and, if so, 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 request for hearing on decision # L0012634632 was due by September 15, 2025. Because claimant did not file their request for hearing until September 18, 2025, the request was late. In their response to the appellant questionnaire, claimant indicated that they received the administrative decision on November 5, 2025, filed their request for hearing on October 24, 2025, and that they failed to file a timely request for hearing because they "did not know of [the] deadline." EAB Exhibit 1 at 1. Claimant further explained, "When I received my first official denial of unemployment benefits, I assumed I was finished filing. Due to my learning disability, ADHD/Autism Spectrum I assumed it was all over," but that "[o]nce I was informed I could file an appeal, I did that right away." EAB Exhibit 1 at 2.

Claimant's above responses regarding the dates suggest that they were referring to the receipt or filing of other documents, as both of these dates are later than when they filed their request for hearing. On remand, the ALJ should inquire as to when claimant received decision # L0012634632 specifically and, to the extent that they did not receive it prior to the timely filing deadline, what circumstances caused the delay. The ALJ should also inquire as to how, if at all, claimant's learning disability or other diagnoses impacted their ability to understand the explanation in decision # L0012634632 regarding their right to appeal the decision if they disagreed with it, and how and when they received information that led them to understand their appeal rights.

Order No. 25-UI-309232 therefore is reversed, and this matter remanded for a hearing on whether to allow claimant's late request for hearing and, if so, the merits of decision # L0012634632.

**DECISION:** Order No. 25-UI-309232 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-309232 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 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 Tự 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 – សេចក្តីសម្រចន់មានដល់បោល់ដល់អត្ថប្រយោជន៍គ្នានករោងរាល់របស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រចន់ សូមទាក់ទងគណៈកម្មការខ្លួនណានករោងភ្លាមទាំងប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រចន់ទេ លោកអ្នកអាចជាក់ពាក្យបីងសំឡើងការពិនិត្យឯុំងកីឡើងវិញជាមួយកុណាខ្លួនណ៍ដែល Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសេវានីខាងចុងហប្តុប់នៃសេចក្តីសម្រចន់។

## Laotian

ເອົາໃຈໃສ – ຄຳຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄຳຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນທັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນໍາຄຳຕັດສິນນີ້, ທ່ານສາມາດຢືນຄໍາຮ້ອງຂໍການທີບທວນຄຳຕັດສິນນໍາສານອຸທອນລັດ Oregon ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແຮງນີ້ທີ່ເກີດກວ່າວິ່ປົຕອນທ້າຍຂອງຄຳຕັດສິນນີ້.

## Arabic

هذا القرار قد يؤثر على منحة البطلة 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 فر جام خواهی استخدام تماس بگیرید. اگر از این حکم رضایت ندارید، ممکن است از دستور العمل موجود در پیاز آن، از دادگاه تجدید نظر اور گان در خواست تجدید نظر کنید.

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