

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0721

Late Application for Review Dismissed

PROCEDURAL HISTORY: On July 1, 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 for the week of June 22 through June 28, 2025 (week 26-25), and until the reason for the denial ended (decision # L0011546176). Claimant filed a timely request for hearing. On October 7, 2025, ALJ Murray conducted a hearing. The Department provided a written statement called an Attestation instead of having a witness attend the hearing. On October 14, 2025, ALJ Murray issued Order No. 25-UI-307076, modifying decision # L0011546176 by concluding that claimant failed to provide identity verification information and was ineligible for benefits for week 26-25 and the week of August 24, 2025 through August 30, 2025 (week 35-25).

On November 3, 2025, Order No. 25-UI-307076 became final without claimant having filed an application for review with the Employment Appeals Board (EAB). On November 18, 2025, claimant filed a late application for review with 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 the written statement included with claimant's late application for review that describes the circumstances that prevented a timely filing. The written statement 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) Order No. 25-UI-307076, mailed to claimant on October 14, 2025, stated, "You may appeal this decision by filing the attached form Application for Review with the Employment Appeals Board within 20 days of the date that this decision is mailed." Order No. 25-UI-307076 at 4. Order No. 25-UI-307076 also stated on its Certificate of Mailing, "Any appeal from this Order must be filed on or before November 3, 2025 to be timely."

(2) The Office of Administrative Hearings (OAH) mailed Order No. 25-UI-307076 to claimant's former address, which was the address of claimant's parents. As a result, claimant did not promptly receive the hearing order.

(3) On October 22, 2025, claimant received Order No. 25-UI-307076 from her parents.

(4) On November 18, 2025, claimant filed an application for review of Order No. 25-UI-307076 with EAB.

CONCLUSIONS AND REASONS: Claimant's late application for review of Order No. 25-UI-307076 is dismissed.

An application for review is timely if it is filed within 20 days of the date that the Office of Administrative Hearings (OAH) mailed the order for which review is sought. ORS 657.270(6); OAR 471-041-0070(1) (May 13, 2019). The 20-day filing period may be extended a "reasonable time" upon a showing of "good cause." ORS 657.875; OAR 471-041-0070(2). "Good cause" means that factors or circumstances beyond the applicant's reasonable control prevented timely filing. OAR 471-041-0070(2)(a). A "reasonable time" is seven days after the circumstances that prevented the timely filing ended. OAR 471-041-0070(2)(b). A late application for review will be dismissed unless it includes a written statement describing the circumstances that prevented a timely filing. OAR 471-041-0070(3).

The application for review of Order No. 25-UI-307076 was due by November 3, 2025. Because claimant did not file her application for review until November 18, 2025, the application for review was late.

It is open to question that a circumstance beyond claimant's reasonable control prevented her from filing the application for review in a timely manner. Though claimant did not promptly receive the hearing order because it was mailed to her former address, it was reasonable to expect claimant to update her address with OAH when moving from one address to another, particularly when an appeal that claimant had requested remained pending. If claimant had updated her address with OAH when she moved, the hearing order would have presumably been delivered to the updated address, claimant would not have experienced an undue delay in receiving the order, and nothing would have prevented claimant from filing an application for review by the deadline. Further, it is not evident that anything beyond claimant's reasonable control actually *did* prevent her from filing by November 3, 2025, given that claimant received Order No. 25-UI-307076 from her parents on October 22, 2025. October 22, 2025 was several days before the November 3, 2025 appeal deadline and receipt of the hearing order that day would have provided sufficient time to file an application for review by the deadline.

In any event, even *if* the mailing of the hearing order to claimant's former address was a circumstance beyond claimant's reasonable control that provided good cause to extend the appeal deadline, claimant filed more than seven days after those circumstances ended, and so did not file within a "reasonable time." Specifically, the circumstances ended on October 22, 2025, when claimant received the hearing order from her parents, but claimant did not file her application for review until November 18, 2025, more than seven days later. Therefore, at minimum, claimant did not establish that she filed her application for review within a reasonable time, and claimant's late application for review is dismissed.

DECISION: The application for review filed November 18, 2025 is dismissed. Order No. 25-UI-307076 remains undisturbed.

D. Hettle and A. Steger-Bentz;
S. Serres, not participating.

DATE of Service: December 22, 2025

NOTE: You may request reconsideration of this decision by EAB. ORS 657.290(3) permits EAB to reconsider any past decision by EAB, including “the making of a new decision to the extent necessary and appropriate for the correction of previous error of fact or law.” The request will be dismissed unless it is filed within **20** days after this decision, 2025-EAB-0721, was mailed. OAR 471-041-0145(2). The request would need to provide information regarding what circumstances prevented claimant from filing a timely application for review and when the circumstances ended, and provide sufficient information to show they filed the late application for review within **seven** days of the date the circumstances that prevented them from filing a timely application for review ended.

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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.



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.

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