

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0726

Reversed & Remanded

PROCEDURAL HISTORY AND FINDINGS OF FACT: On January 22, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to verify their identity in accordance with the Department's rules and was ineligible for benefits (decision # L0008906418).¹ On February 11, 2025, decision # L0008906418 became final without claimant having filed a request for hearing. On October 30, 2025, claimant filed a late request for hearing. ALJ Kangas considered claimant's request, and on November 10, 2025 issued Order No. 25-UI-310028, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by November 24, 2025, or file an application for review of Order No. 25-UI-310028 with the Employment Appeals Board (EAB) by December 1, 2025. On November 24, 2025, claimant filed an application for review of Order No. 25-UI-310028 with EAB that included a timely 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.

CONCLUSIONS AND REASONS: Order No. 25-UI-310028 is set aside and this matter remanded for a hearing on whether to allow claimant's late request for hearing on decision # L0008906418 and, if so, the merits of that decision.

¹ Decision # L0008906418 stated that claimant was denied benefits effective January 21, 2025. This date appears to be error, however, as January 21, 2025 was a Tuesday, and benefit denials begin on the Sunday of the effective week. As such, it is presumed that the Department intended to deny claimant benefits effective January 19, 2025.

ORS 657.269 provides 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 provides that the 20-day deadline may be extended a "reasonable time" upon a showing of "good cause." OAR 471-040-0010 (February 10, 2012) provides 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 ceased to exist.

The request for hearing on decision # L0008906418 was due February 11, 2025. Because claimant did not file their request for hearing until October 30, 2025, the request was late.

In their response to the appellant questionnaire, claimant answered the question regarding when they received the administrative decision, "I received this letter 11/14 regarding my claim." EAB Exhibit 1 at 1. Claimant also indicated that they filed their request for hearing on October 28, 2025. EAB Exhibit 1 at 1. Claimant further stated that they "verified their identity two times in person & via Frances & as soon as [their] claim was denied [they] applied to appeal that decision[.]" EAB Exhibit 1 at 2.

Claimant's first answer, above, suggests that they were mistakenly referring to their receipt of Order No. 25-UI-310028, issued on November 10, 2025, rather than decision # L0008906418, issued on January 22, 2025, which had denied them benefits on the basis of failing to verify their identity. As such, it is not clear from claimant's responses when, if at all, they received decision # L0008906418. On remand, the ALJ should inquire as to when, if at all, claimant first received decision # L0008906418; if they did not receive the decision timely or at all, what might have led to that; when they first became aware that they had been denied benefits on the basis of failing to verify their identity; and what prompted them to file their request for hearing when they did, as opposed to some earlier date. Finally, as the date that claimant asserted they filed their request for hearing (October 28, 2025) is different than the date indicated in the record (October 30, 2025), the ALJ should confirm whether claimant filed, or attempted to file, a request for hearing on October 28, 2025.²

Order No. 25-UI-310028 therefore is set aside, and this matter remanded for a hearing on whether to allow claimant's late request for hearing and, if so, the merits of decision # L0008906418.

DECISION: Order No. 25-UI-310028 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 26, 2025

² If claimant believes this earlier filing date is correct, they may wish to submit documentary evidence to support this assertion. They may do by following the instructions on the notice of the remand hearing about documents they wish to have considered at the hearing. These instructions will direct the parties to provide copies of such documents to the ALJ and the other parties before the hearing at their addresses on the certificate of mailing for the notice of hearing.

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-310028 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

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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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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