

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0727

Reversed & Remanded

PROCEDURAL HISTORY AND FINDINGS OF FACT: On August 19, 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 beginning June 8, 2025 (decision # L0012449278).¹ On September 8, 2025, decision # L0012449278 became final without claimant having filed a request for hearing. On September 25, 2025, claimant filed a late request for hearing. ALJ Kangas considered claimant's request, and on November 10, 2025 issued Order No. 25-UI-310045, 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-310045 with the Employment Appeals Board (EAB) by December 1, 2025. On November 23, 2025, claimant filed an application for review of Order No. 25-UI-310045 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 consists of 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, 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.

Along with the appellant questionnaire response, claimant submitted numerous pages of documents consisting of an email thread and medical records. These materials appear to relate to the merits of claimant's separation from work. As these materials are not relevant to the late request for hearing issue, they were not considered by EAB and were not included in EAB Exhibit 1.

However, the parties may offer new information into evidence at the remand hearing. In particular, claimant may offer the email thread and medical records into evidence at that time. At the hearing, the

¹ Decision # L0012449278 stated that claimant was denied benefits from June 8, 2025 to June 27, 2026. However, decision # L0012449278 should have stated that claimant was disqualified from receiving benefits beginning June 8, 2025 and until they earned four times their weekly benefit amount. See ORS 657.176.

ALJ will decide if the information will be admitted into the record. The parties must follow 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.

CONCLUSIONS AND REASONS: Order No. 25-UI-310045 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 # L0012449278.

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 deadline to file a request for hearing on decision # L0012449278 was September 8, 2025. Because claimant did not file their request for hearing until September 25, 2025, the request for hearing was late.

In their appellant questionnaire response, claimant stated that they have ADHD and anxiety diagnoses. EAB Exhibit 1 at 5. They stated that they received decision # L0012449278 in late August 2025. EAB Exhibit 1 at 5. Claimant stated that "throughout the month of August [they were] actively engaged in resolving issues with [their] CARE referral through Portland Community College. This process escalated to the PCC Board, requiring significant time and focus to advocate for [their] student support needs." EAB Exhibit 1 at 1.

Claimant further stated that their grandmother became critically ill on September 11, 2025, and that they had to travel out of state to Olympia, Washington to be with family the weekends of September 13 and 14 and September 20 and 21, 2025. EAB Exhibit 1 at 5-6. Claimant asserted that the "combined stress, travel, ADHD, and anxiety left [them] unable to meet the September 8 deadline." EAB Exhibit 1 at 5. Claimant stated that they filed the hearing request on September 25, 2025 as soon as they returned and were able to focus. EAB Exhibit 1 at 5.

The information provided warrants remand for a hearing to assess whether good cause exists to extend the September 8, 2025 deadline, and whether claimant's September 25, 2025 late appeal was filed within a reasonable time.

On remand, the ALJ should inquire when precisely claimant received decision # L0012449278. The ALJ should inquire whether and if so, how, it was beyond claimant's reasonable control to prioritize the short amount of time needed to complete the filing process between late August 2025, when the administrative decision was received, and the September 8, 2025 timely filing deadline. The ALJ should ask whether claimant had internet access while out of state and, if so, what, if anything, prevented them from using the internet to file an appeal while out of state. The ALJ should ask questions to develop what impact, if any, claimant's ADHD and anxiety may have had on their ability to file an appeal by the September 8, 2025 deadline. The ALJ should ask questions to determine how, if at all, claimant's grandmother's critical illness beginning September 11, 2025 may have prevented claimant from filing a

hearing request by September 8, 2025. The ALJ should inquire whether and to what extent claimant was responsible for caring for their grandmother after she fell ill and how the illness of their grandmother might otherwise have occupied claimant's time such that filing an appeal might have been difficult or impossible. The ALJ should inquire why and how claimant was able to file a hearing request on September 25, 2025, but not earlier. The ALJ should also ask any questions necessary to determine whether claimant's September 25, 2025 late hearing request was filed within a seven-day "reasonable time" of when any factors preventing a timely filing had ended.

Order No. 25-UI-310045 therefore is set aside, and this matter remanded for a hearing on whether to allow claimant's late request and, if so, the merits of decision # L0012449278.

DECISION: Order No. 25-UI-310045 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

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-310045 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.

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 تأثیر 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

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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