

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0745

Reversed & Remanded

PROCEDURAL HISTORY AND FINDINGS OF FACT: On September 19, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work during the week of August 24, 2025 through August 30, 2025 (week 35-25) and therefore was not eligible for unemployment insurance benefits for that week (decision # L0012930941). On October 9, 2025, decision # L0012930941 became final without claimant having filed a request for hearing. On October 13, 2025, claimant filed a late request for hearing on decision # L0012930941.

ALJ Kangas considered claimant's request, and on November 20, 2025 issued Order No. 25-UI-311601, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by December 4, 2025. On December 2, 2025, claimant filed a timely response to the appellant questionnaire and a timely application for review of Order No. 25-UI-311601 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 response to the appellant questionnaire, submitted on a late application for review form, which 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-311601 is set aside and this matter remanded for a hearing on whether claimant's late request for hearing on decision # L0012930941 should be allowed and, if so, the merits of that decision.

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 # L0012930941 was due by October 9, 2025. Because claimant did not file their request for hearing until October 13, 2025, the request was late. Claimant’s response to the appellant questionnaire was submitted, presumably in error, on a late application for review form, rather than the questionnaire enclosed with the November 20, 2025 order under review. *See* EAB Exhibit 1 at 1. As such, claimant did not indicate when, if at all, they received decision # L0012930941, when they filed their request for hearing on that decision, or why it was late.

Regardless, claimant’s response included a copy of a message thread between claimant and a Department representative, which related to decision # L0012930941. EAB Exhibit 1 at 3. In that thread, the representative sent claimant a message, dated October 13, 2025, which stated in relevant part, “I see that you placed a request to appeal already[.]” EAB Exhibit 1 at 3. As claimant’s late request for hearing was also filed on October 13, 2025, it is not clear if the representative was referring to the request for hearing that claimant had filed that day, or an earlier-filed request. On remand, the ALJ should inquire as to when claimant first filed a request for hearing on decision # L0012930941 to determine whether claimant actually filed a timely request for hearing. If the record on remand shows that claimant did not file a timely request, the ALJ should inquire as to when, if at all, claimant first received decision # L0012930941, what, if anything, prevented them from filing a timely request for hearing on that decision, and when the factors which prevented a timely filing ceased to exist.

Order No. 25-UI-311601 therefore is reversed, and this matter remanded for a hearing on whether claimant’s late request for hearing should be allowed and, if so, the merits of decision # L0012930941.

DECISION: Order No. 25-UI-311601 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: January 6, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-311601 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 – សេចក្តីសម្រចន់មានធនប៉ះពាល់ដល់អគ្គប្រយោជន៍គ្មានការងារដើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រចន់ សូមទាក់ទងគណៈកម្មការខ្លួនណ៍ការងារភ្នាមធម៌។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រចន់ទេ លោកអ្នកអាជីវការការពិនិត្យផ្លូវការនៃក្រុមហ៊ុន Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដើម្បីសេវានៅខាងមុនបញ្ចប់នៃសេចក្តីសម្រចន់។

Laotian

ເອົາໃຈສ់ – ការតាត់តិចនីមួយៗការបិទការងារដែលមិនមែនទំនើនទៅទៀត។ តើមានប៉ុណ្ណោះទៀតដែលតាត់តិចនីមួយៗ ការលើកឡាតាំងនៅក្នុង Oregon ត្រូវបានគេបង្កើតឡើង។ តើមានប៉ុណ្ណោះទៀតដែលតាត់តិចនីមួយៗ ការលើកឡាតាំងនៅក្នុង Oregon ត្រូវបានគេបង្កើតឡើង។

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 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، بلاfacسله با هیأت فرجم خواهی استخدام تماش 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.

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