

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0753-R**

*Request for Reconsideration Allowed*  
*EAB Decision 2025-EAB-0753 Reversed on Reconsideration*  
*Order No. 25-UI-311646 Reversed*  
*Late Request for Hearing Allowed*  
*Merits Hearing Required*

**PROCEDURAL HISTORY:** On September 10, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not able to work during the weeks of August 3, 2025 through November 1, 2025 (weeks 32-25 through 44-25), and therefore was not eligible to receive unemployment insurance benefits for those weeks (decision # L0012791589). On September 30, 2025, decision # L0012791589 became final without claimant having filed a request for hearing. On October 7, 2025, claimant filed a late request for hearing.

ALJ Kangas considered claimant's request, and on November 20, 2025 issued Order No. 25-UI-311646, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by December 4, 2025, or to file an application for review of Order No. 25-UI-311646 with the Employment Appeals Board (EAB) by December 10, 2025. On November 29, 2025, claimant filed an application for review with EAB. Claimant did not file a response to the appellant questionnaire.

On December 12, 2025, EAB issued EAB Decision 2025-EAB-0753, dismissing claimant's late request for hearing without prejudice, subject to their right to request reconsideration and provide additional evidence to EAB regarding the reasons for the late filing. On December 13, 2025, claimant filed a timely request for reconsideration of EAB Decision 2025-EAB-0753. This decision is made under EAB's authority from ORS 657.290(3).

**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 request for reconsideration, 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.

**FINDINGS OF FACT:** (1) Decision # L0012791589, issued on September 10, 2025, stated, “You have the right to appeal our decision and request a hearing if you believe our decision is wrong. We must receive your request for a hearing no later than **September 30, 2025.**” Exhibit 1 at 2 (emphasis in original).

(2) Claimant received decision # L0012791589 on the date it was issued, September 10, 2025.

(3) At the time decision # L0012791589 was issued, claimant was experiencing postpartum depression that was “severe and debilitating.” EAB Exhibit 1 at 2. As a result of their severe depression, claimant was unable to request a hearing by the September 30, 2025 deadline.

(4) On October 7, 2025, the severity of claimant’s depression improved to the extent that claimant was able to call the Department. On that date, claimant requested a hearing on decision # L0012791589, by telephone. Exhibit 2 at 1.

**CONCLUSIONS AND REASONS:** Claimant’s request for reconsideration is allowed. Claimant’s late request for hearing is allowed. This matter is remanded for a hearing on the merits of decision # L0012791589.

**Request for Reconsideration.** ORS 657.290(3) permits the Employment Appeals Board to reconsider any past decision of the Employment Appeals Board, 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 the decision the party wants to be reconsidered was mailed. OAR 471-041-0145(2) (May 13, 2019).

EAB dismissed claimant’s late request for hearing without prejudice, allowing them to file a request for reconsideration with additional evidence regarding the late filing. Claimant filed a request for reconsideration that met the requirements in OAR 471-041-0145. The request for reconsideration is therefore allowed.

**Late Request for Hearing.** 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 # L0012791589 was September 30, 2025. Because claimant did not file a request for hearing until October 7, 2025, the request for hearing was late.

Claimant established good cause to extend the deadline to file a request for hearing on decision # L0012791589, and filed within a seven-day reasonable time. Claimant received decision # L0012791589 on September 10, 2025. At that time, claimant was suffering from severe and debilitating postpartum depression. As a result of their severe depression, claimant was unable to request a hearing by the September 30, 2025 deadline. Claimant’s depression was a factor beyond claimant’s reasonable control that prevented them from filing in a timely manner. As claimant was able on October 7, 2025 to file a

late request for hearing, the weight of the evidence supports that their depression improved enough to permit them to complete the process of requesting a hearing on that date. Accordingly, the factor ended on that date, and claimant filed their hearing request the same day, and so within a seven-day reasonable time.

Thus, claimant established good cause to extend the deadline to file the request for hearing to October 7, 2025, and filed within a reasonable time. The late request for hearing is therefore allowed. This matter is remanded for a hearing on the merits of decision # L0012791589.

**DECISION:** Claimant's request for reconsideration is allowed. On reconsideration, EAB Decision 2025-EAB-0753 is reversed as explained in this decision. Order No. 25-UI-311646 is set aside, and this matter remanded for further proceedings consistent with this order.

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

**DATE of Service: January 15, 2026**

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-311646 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

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

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El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.