

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0761-R

Request for Reconsideration Allowed
EAB Decision 2025-EAB-0761 followed on Reconsideration
Order No. 25-UI-312024 Affirmed ~ Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On June 10, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not complete the Department's identification requirements and was denied benefits beginning June 1, 2025 (decision # L0011099767). On June 30, 2025, decision # L0011099767 became final without claimant having filed a request for hearing. On October 14, 2025, claimant filed a late request for hearing. ALJ Kangas considered claimant's request, and on November 24, 2025 issued Order No. 25-UI-312024, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by December 8, 2025, or file an application for review of Order No. 25-UI-312024 with the Employment Appeals Board (EAB) by December 15, 2025. Claimant filed an application for review of Order No. 25-UI-312024 on December 6, 2025. Claimant also submitted an appellant questionnaire response on December 8, 2025 to the Office of Administrative Hearings (OAH), but OAH did not immediately forward the appellant questionnaire response to EAB.

On December 18, 2025, EAB issued EAB Decision 2025-EAB-0761, affirming Order No. 25-UI-312024's dismissal of claimant's late request for hearing, without prejudice, subject to claimant's right to request reconsideration and provide additional evidence to EAB regarding the reasons for filing the request for hearing late. On December 19, 2025, claimant filed a timely request for reconsideration of EAB Decision 2025-EAB-0761. This decision is made under EAB's authority from ORS 657.290(3).

EVIDENTIARY MATTER: EAB has considered two pieces of additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The first piece of additional evidence is claimant's appellant questionnaire response, forwarded by OAH to EAB on January 16, 2026, which has been marked as EAB Exhibit 1 and provided to the parties with this decision. The second piece of additional evidence is claimant's reconsideration request, which has been marked as EAB Exhibit 2 and also 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 exhibits will remain in the record.

FINDINGS OF FACT: (1) In May 2025, claimant filed their initial claim for unemployment insurance benefits. The Department determined claimant had a valid claim for benefits. Thereafter, claimant claimed benefits for a few weeks and either received waiting week credit or was paid benefits.

(2) Decision # L0011099767, issued on June 10, 2025, stated, “We have denied your benefits on this claim beginning June 1, 2025.” Exhibit 1 at 1. The basis of the denial was that claimant had not completed the Department’s identity verification requirements. The decision further 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 **June 30, 2025.**” Exhibit 1 at 2 (emphasis in original).

(3) Claimant began working for an employer on June 12, 2025, and, as a result, stopped filing weekly claims for benefits for a time. EAB Exhibit 2 at 1. Also on June 12, 2025, claimant received decision # L0011099767. EAB Exhibit 1 at 1.

(4) Because claimant had become employed, they “believed no further action was required, including identity verification or follow-up on the claim.” EAB Exhibit 2 at 1. Though decision # L0011099767 stated that claimant had the right to appeal the decision and that the hearing request must be received no later than June 30, 2025, claimant was unaware that the decision “required a formal appeal by June 30, 2025, in order to preserve [their] rights if [they] later needed to reopen [their] claim.” EAB Exhibit 2 at 1.

(5) On August 4, 2025, claimant separated from employment. Beginning on that date, claimant tried to reopen their claim via Frances Online and by calling the Department but was unsuccessful in doing so. On September 26, 2025, claimant visited their local WorkSource Oregon office and reopened their claim and completed identity verification with the help of a representative.

(6) On September 26, 2025, at the time claimant completed their identity verification, they learned that they also needed to file a request for hearing on decision # L0011099767 “to preserve [their] right to benefits” for the weeks before the claim was reopened. EAB Exhibit 2 at 1.

(7) On October 14, 2025, claimant filed a late request for hearing on decision # L0011099767.

CONCLUSIONS AND REASONS: Claimant’s request for reconsideration is allowed. EAB Decision 2025-EAB-0761 is followed on reconsideration. Order No. 25-UI-312024 is affirmed. Claimant’s late request for hearing remains dismissed.

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 says that a copy of the request was given to the other parties, and 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 affirmed the order dismissing claimant's late request for hearing, without prejudice, and noted claimant's right to file a request for reconsideration within 20 days after EAB's decision was mailed. 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 # L0011099767 was June 30, 2025. Because claimant did not file a hearing request until October 14, 2025, the request for hearing was late.

Claimant did not establish good cause to extend the deadline to file a hearing request on decision # L0011099767. Claimant did not show that a factor beyond their reasonable control prevented them from filing in a timely manner. Claimant received decision # L0011099767 on June 12, 2025. The administrative decision stated that claimant had the right to appeal the decision and that the hearing request must be received no later than June 30, 2025. Though claimant was unaware that decision # L0011099767 "required a formal appeal by June 30, 2025," it was within claimant's reasonable control to read and take note of the deadline, and, if they disagreed with the administrative decision, ensure that they filed their hearing request before the deadline passed.

Claimant's failure to appeal by the deadline stated in decision # L0011099767 was likely a mistake on their part. We need not determine whether claimant's failure was an "excusable mistake" within the meaning of the administrative rules because even if claimant could establish good cause to extend the deadline to appeal, claimant conceded in their reconsideration request that at the time they completed their identity verification at the WorkSource office, September 26, 2025, they learned of their right to appeal decision # L0011099767. Any factor preventing a timely filing would have therefore ended on that date, yet claimant did not file their late request for hearing until more than seven days later, on October 14, 2025. As such, claimant's late request for hearing was not filed within a seven-day "reasonable time" as required by OAR 471-040-0010.

Accordingly, claimant's late request for hearing was not filed within a reasonable time and good cause does not exist to extend the deadline for timely filing of the request. As such, claimant's late request for hearing on decision # L0011099767 is dismissed.

DECISION: Claimant's request for reconsideration is allowed. EAB Decision 2025-EAB-0761 is followed on reconsideration. Order No. 25-UI-312024 is affirmed.

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

DATE of Service: January 27, 2026

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.

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

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

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.