

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0776

Reversed
Request for Hearing Timely Filed
Merits Hearing Required

PROCEDURAL HISTORY: On September 3, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged for misconduct, and therefore was disqualified from receiving unemployment insurance benefits effective July 6, 2025 (decision # L0012839784).¹ On September 11, 2025, claimant filed a timely request for hearing on decision # L0012839784, which the Department did not process as a request for hearing. On September 23, 2025, decision # L0012839784 became final without the Department having processed claimant's September 11, 2025 request for hearing. On October 1, 2025, claimant filed a late request for hearing on decision # L0012839784.

ALJ Kangas considered claimant's October 1, 2025 request, and on December 3, 2025 issued Order No. 25-UI-312801, dismissing that request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by December 17, 2025. On December 13, 2025, claimant filed a timely response to the appellant questionnaire and a timely application for review of Order No. 25-UI-312801 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, 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.

FINDINGS OF FACT: (1) On September 3, 2025, the Department mailed decision # L0012839784 to claimant's address on file with the Department. Decision # L0012839784 stated, "You have the right to

¹ Decision # L0012839784 stated that claimant was denied benefits from July 6, 2025 to July 4, 2026. However, decision # L0012839784 should have stated that claimant was disqualified from receiving benefits beginning Sunday, July 6, 2025 and until they earned four times their weekly benefit amount. See ORS 657.176.

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 23, 2025.**” Exhibit 1 at 2 (emphasis in original). Decision # L0012839784 also said that a request for hearing could be filed by four different means, including via Frances Online. Exhibit 1 at 2.

(2) On or prior to September 11, 2025, claimant visited a WorkSource Oregon office, where a staff member advised them that they could file a request for hearing on decision # L0012839784 by sending a message to the Department via Frances Online. On September 11, 2025, claimant filed a request for hearing on decision # L0012839784 by sending a message to the Department via Frances Online.

(3) On September 23, 2025, the Department responded to claimant’s September 11, 2025 message, explaining that claimant had filed their request for hearing incorrectly, and advising claimant “how to file the right way[.]” EAB Exhibit 1 at 2. When claimant eventually logged back in to their Frances Online account, they saw the message from the Department and, on October 1, 2025, filed a late request for hearing on decision # L0012839784 pursuant to the instructions in that message.

CONCLUSIONS AND REASONS: Order No. 25-UI-312801 is reversed and this matter remanded for a hearing on the merits of decision # L0012839784.

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.

Under OAR 471-040-0005(2)(a) (July 15, 2018), an individual may request a hearing on an administrative decision related to payment of benefits by “mail, fax, e-mail, or other means as designated by [the] Employment Department[.]” A request for hearing may also be filed “[i]n person at any publicly accessible Employment Department office in Oregon.” OAR 471-040-0005(2)(b). Use of forms provided by the Department or similar offices for requesting a hearing is not required so long as the individual “expresses a present intent to appeal and it can be determined what issue or decision is being appealed.” OAR 471-040-0005(1).

The request for hearing on decision # L0012839784 was due by September 23, 2025. As such, claimant’s October 1, 2025 request for hearing was late. Nevertheless, the record shows that claimant filed a timely request for hearing on decision # L0012839784 on September 11, 2025. On their response to the appellant questionnaire, claimant showed that they initially filed their request for hearing on that date by sending a message to the Department via Frances Online, as a WorkSource employee had advised them to do. EAB Exhibit 1 at 1. While the Department later told claimant that this was not the correct way to file a request for hearing, decision # L0012839784 did not indicate the specific method in Frances Online by which claimant could file their request. Instead, it only said, in relevant part, that one of the ways of filing a request for hearing was to “[u]se Frances Online at frances.oregon.gov.” Exhibit 1 at 2.

Thus, by sending a message to the Department via Frances Online and requesting a hearing, claimant made their request by a means designated by the Department, pursuant to OAR 471-040-0005(2)(a). As they did so prior to the timely filing deadline of September 23, 2025, the request was timely.

For the above reasons, claimant filed a timely request for hearing on decision # L0012839784, and therefore is entitled to a hearing on the merits of that decision.

DECISION: Order No. 25-UI-312801 is set aside, and this matter remanded for further proceedings consistent with this order.

S. Serres and A. Steger-Bentz;
D. Hettle, 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-312801 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 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

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