

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0777

Reversed & Remanded

PROCEDURAL HISTORY AND FINDINGS OF FACT: On May 6, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide information to verify their identity and therefore was ineligible to receive unemployment insurance benefits effective April 27, 2025 (decision # L0010658312). On May 27, 2025, decision # L0010658312 became final without claimant having filed a request for hearing. On September 17, 2025, claimant filed a late request for hearing. ALJ Kangas considered the request, and on November 26, 2025, issued Order No. 25-UI-312388, dismissing the request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by December 10, 2025. On December 16, 2025, claimant filed an appellant questionnaire response and an application for review 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 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, 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-312388 is set aside and the matter remanded for a hearing to determine whether claimant's late request for hearing should be allowed and, if so, the merits of decision # L0010658312.

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 request for hearing on decision # L0010658312 was due by May 27, 2025. Claimant's request for hearing was filed on September 17, 2025, and was therefore late. Claimant's response to the appellant questionnaire suggested that they had difficulty receiving mail at the time decision # L0010658312 was sent and did not receive it. EAB Exhibit 1 at 1. Further development of the record is therefore warranted to determine whether claimant's late request for hearing should be allowed.

On remand, inquiry should be made as to whether a factor beyond claimant's reasonable control or an excusable mistake prevented timely filing of the request for hearing and, if so, whether the late request for hearing was filed within a "reasonable time" after the factors ended. This should include whether claimant elected to receive correspondence through Frances Online instead of or in addition to mail, whether claimant was claiming benefits or had a pending appeal when their difficulties with housing and mail delivery began, when and how they learned of the existence of decision # L0010658312 and their appeal rights from that decision, and whether any other factors prevented timely filing and when those factors stopped.

For these reasons, Order No. 25-UI-312388 is set aside and the matter remanded for a hearing to determine whether claimant's late request for hearing should be allowed and, if so, the merits of decision # L0010658312.

DECISION: Order No. 25-UI-312388 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 21, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-312388 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 naaiintindihan 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 – សេចក្តីសិក្សប្រចាំនេះមានដូចខាងក្រោម៖ ពាល់ដូលអត្ថប្រយោជន៍គ្មានការងារធ្វើរបស់លោកអ្នកមិនយល់អំពីសេចក្តីសិក្សប្រចាំនេះ សូមទាក់ទងគណៈកម្មការខ្លួនណ៍ការងារភ្នំពេញ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពេក់សេចក្តីសិក្សប្រចាំនេះទេ លោកអ្នកអាជីវកម្មនឹងស្តីពីការការពិនិត្យឯកសារខ្លួនរួចរាល់ខ្លួនណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីដែលសារពន្ល់ខាងចុងបញ្ជប់នៃសេចក្តីសិក្សប្រចាំនេះ។

Laotian

ເອົາໃຈສេះ – ຄាំពីរសិនីមិនកំពុងការបានចំណុចសំខាន់ – ត្រូវបានបំពេះទៅការការពិនិត្យឯកសារខ្លួននៃសេចក្តីសិក្សប្រចាំនេះ។ ត្រូវបានបំពេះទៅការការពិនិត្យឯកសារខ្លួននៃសេចក្តីសិក្សប្រចាំនេះ។ ត្រូវបានបំពេះទៅការការពិនិត្យឯកសារខ្លួននៃសេចក្តីសិក្សប្រចាំនេះ។

Arabic

هذا القرار قد يؤثر على منحة البطالة 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، بالاصله با هیأت فرجام خواهی استخدام تماس 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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