

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0781

Affirmed
Late Request to Reopen Denied

PROCEDURAL HISTORY: On March 10, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was therefore disqualified from receiving unemployment insurance benefits effective February 2, 2025 (decision # L0009583675). Claimant filed a timely request for hearing. On March 17, 2025, notice was mailed to claimant that a hearing was scheduled for March 31, 2025. On March 31, 2025, claimant failed to appear for the hearing, and ALJ Strauch issued Order No. 25-UI-287732, dismissing claimant's request for hearing due to her failure to appear. On April 21, 2025, Order No. 25-UI-287732 became final without claimant having filed a request to reopen the hearing. On August 7, 2025, claimant filed a late request to reopen. ALJ Kangas considered the request, and on September 23, 2025, issued Order No. 25-UI-304693, denying the late request to reopen, subject to claimant's right to renew the request by providing additional information by October 7, 2025. On October 3, 2025, claimant filed an application for review of Order No. 25-UI-304693 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 consists of claimant's October 3, 2025 and December 8, 2025 written statements, has been marked as EAB Exhibits 1 and 2, respectively, 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 exhibits will remain in the record.

FINDINGS OF FACT: (1) On March 17, 2025, the Office of Administrative Hearings (OAH) mailed a notice of hearing to claimant's address on file, stating that a telephone hearing had been scheduled for March 31, 2025. Claimant did not receive the notice.

(2) On March 31, 2025, claimant failed to appear at the hearing because she was unaware it had been scheduled. Order No. 25-UI-287732, mailed to claimant's address on file on March 31, 2025, stated, "If

you did not appear at the hearing, you may request to reopen the hearing. . . Your request to reopen the hearing must. . . either be filed within 20 days of when the order from the hearing you missed was mailed, or else show good cause to extend the period to request reopening of your case, and show that you filed your reopen request within seven days of when those factors or circumstances ceased to exist.” Order No. 25-UI-287732 at 2.

(3) Claimant received Order No. 25-UI-287732 on April 3, 2025, and understood the 20-day deadline to request to reopen the hearing. Claimant had requested hearings on other administrative decisions issued on her claim, including one regarding her ability to work (decision # L0009541859). On April 15, 2025, notice was mailed to claimant that a hearing on decision # L0009541859 was scheduled for April 29, 2025. Claimant believed that that hearing would also address the issue of her having failed to appear at the March 31, 2025 hearing. Claimant therefore did not file a request to reopen the March 31, 2025 hearing by the April 21, 2025 deadline.

(4) On May 2, 2025, Order No. 25-UI-291262 was issued regarding the April 29, 2025 hearing. That order reversed decision # L0009541859 by concluding that claimant was able to work during the weeks of February 9, 2025 through April 26, 2025, and was eligible to receive benefits for those weeks “*if otherwise eligible.*” EAB Exhibit 1 at 5 (emphasis in original). Claimant believed that Order No. 25-UI-291262 unconditionally entitled her to benefits on the claim, despite the hearing in that matter not having addressed claimant’s failure to appear at the March 31, 2025 hearing, or the merits of the work separation disqualification at issue in decision # L0009583675. Claimant therefore did not file a request to reopen the March 31, 2025 hearing upon receiving Order No. 25-UI-291262.

(5) On August 7, 2025, after having failed to receive any benefits during the approximately six months in which her claim had been pending, claimant filed a late request to reopen the March 31, 2025 hearing.

CONCLUSIONS AND REASONS: Claimant’s late request to reopen the March 31, 2025 hearing is denied.

ORS 657.270(5) states that any party who failed to appear at a hearing may request to reopen the hearing, and the request will be allowed if it was filed within 20 days of the date the hearing decision was issued and shows good cause for failing to appear. The period within which a party may request reopening may be extended if the party has good cause for failing to request reopening within the time allowed, and acts within a reasonable time. OAR 471-040-0041(1) (February 10, 2012). “Good cause” exists when an action, delay, or failure to act arises from an excusable mistake or from factors beyond an applicant’s reasonable control. OAR 471-040-0041(2). “A reasonable time,” is seven days after the circumstances that prevented a timely filing ended. OAR 471-040-0041(3). The party requesting reopening must state the reason(s) for filing a late request to reopen in a written statement, which OAH shall consider in determining whether good cause exists for the late filing, and whether the party acted within a reasonable time. OAR 471-040-0041(4).

The request to reopen the March 31, 2025 hearing was due by April 21, 2025. Claimant’s request for hearing was filed on August 7, 2025, and was therefore late. Claimant wrote that she missed the March 31, 2025 hearing because she did not receive the notice of hearing and was unaware that it had been scheduled. EAB Exhibit 1 at 1. Claimant also wrote, “I received notice on 4/3/2025 from OAH that I

had 20 days to request a new hearing.” EAB Exhibit 1 at 1. It is reasonable to infer that the “notice” referred to was Order No. 25-UI-287732, which had been mailed to claimant three days earlier.

Despite having timely received the order dismissing her request for hearing due to her failure to appear at the March 31, 2025 hearing, claimant did not assert that she attempted to file a request to reopen by the April 21, 2025 deadline. Claimant explained, “I also had a phone hearing on April 29, 2025 and when it was ruled in my favor[,] I thought I was ok to receive unemployment. I didn’t realize that it didn’t cover the original Hearing topic I missed. So I appealed again. Which by this time it was August 7, 2025.” EAB Exhibit 1 at 1. Claimant submitted a copy of the order issued following the April 29, 2025 hearing (Order No. 25-UI-291262), which stated that she was eligible to receive benefits from February 9, 2025 through April 26, 2025 regarding the issue of ability to work, “*if otherwise eligible.*” EAB Exhibit 1 at 5 (emphasis in original).

Claimant’s belief that she did not have to file a request to reopen by April 21, 2025, because the matter would be addressed at the April 29, 2025 hearing on a different appeal, was erroneous. Even if it could be considered an “excusable mistake” that prevented timely filing of the request to reopen, claimant learned through appearing at the April 29, 2025 hearing, and receiving the corresponding May 2, 2025 order, that her failure to appear at the March 31, 2025 hearing had not been addressed through the other appeal. Moreover, that claimant was not paid any benefits after prevailing in the other appeal should have further indicated to her that the issue of the missed hearing in this appeal remained unaddressed. The record does not show why claimant waited until August 7, 2025, approximately three months after receiving the May 2, 2025 order (Order No. 25-UI-291262), to file the late request to reopen the March 31, 2025 hearing. Therefore, even if good cause existed to extend the filing deadline based on claimant’s mistaken belief that she could resolve the matter through attending a hearing on a different appeal, that circumstance ended in early May 2025 when the other appeal concluded, and the late request for hearing was not filed within a seven-day “reasonable time” thereafter. Accordingly, claimant’s late request to reopen the March 31, 2025 hearing is denied.

DECISION: Order No. 25-UI-304693 is affirmed.

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

DATE of Service: December 30, 2025

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.

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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 – សេចក្តីសម្រចន់មានផលប៉ះពាល់ដែលអភិប្លោយដែនក្នុងការងារដើរក្នុងសំណាកអ្នក។ ប្រសិនបើណាកអ្នកមិនយល់អំពីសេចក្តីសម្រចន់ សូមទាក់ទងគណៈកម្មការខ្លួនណ៍ការងារភ្លាមៗ។ ប្រសិនបើណាកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រចន់ទេ លោកអ្នកអាចជាក់ពាក្យបីដែលសំច្បោមនានាការពិនិត្យរឿងនៃពិភពលោកមួយក្នុងទីលាងទីទុក្ខណ៍ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសេវានាមីនាងចុងបញ្ចប់នៃសេចក្តីសម្រចន់។

Laotian

ເອົາໃຈໃສ່ – ຄຳຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄຳຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກໍາມະການອຸທອນການຈ້າງງານໃນທັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນຄຳຕັດສິນນີ້, ທ່ານສາມາດຢືນຄໍາຮ້ອງຂໍການທີບທວນຄຳຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນຳທີ່ບອກໄວ້ຕອນທ້າຍຂອງຄຳຕັດສິນນີ້.

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 للمرجعية القانونية بمحكمة الاستئناف بأورغون و ذلك باتباع الإرشادات المدرجة أسفل القرار.

Farsi

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلا فاصله با هیأت فر جام 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 اور گان در خواست تجدید نظر کنید.

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