

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0782

Reversed
Late Request for Hearing Allowed
Merits Hearing Required

PROCEDURAL HISTORY: On September 17, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant had failed to provide information necessary to process his claim, and was therefore ineligible for unemployment insurance benefits effective March 24, 2024 (decision # L0006411585). On October 7, 2024, decision # L0006411585 became final without claimant having filed a request for hearing. On December 4, 2024, claimant filed a late request for hearing on decision # L0006411585. ALJ Kangas considered claimant's request, and on January 21, 2025 issued Order No. 25-UI-280381, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by February 4, 2025.

On January 31, 2025, claimant filed a timely response to the appellant questionnaire. On February 18, 2025, the Office of Administrative Hearings (OAH) mailed a letter stating that Order No. 25-UI-280381 was vacated and that a hearing would be scheduled to determine whether claimant had good cause to file the late request for hearing and, if so, the merits of decision # L0006411585. On November 21, 2025, ALJ Micheletti conducted a hearing, and on November 25, 2025 issued Order No. 25-UI-312109, re-dismissing claimant's late request for hearing and leaving decision # L0006411585 undisturbed. On December 14, 2025, claimant filed an application for review of Order No. 25-UI-312109 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 January 31, 2025 response to the appellant questionnaire, which is necessary to complete the record under OAR 471-041-0090(1)(a), and has been marked as EAB Exhibit 1; and a November 13, 2024 Statement of Collection, contained in Employment Department records, which EAB has taken notice of under OAR 471-041-0090(1)(c) and marked as EAB Exhibit 2. EAB has provided copies of these exhibits 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.

WRITTEN ARGUMENT: EAB did not consider claimant's written argument because it was not relevant and material to EAB's determination of whether claimant's late request for hearing on decision # L0006411585 should be allowed, but was instead relevant to the merits of that decision. ORS 657.275(2) and OAR 471-041-0090(1)(b)(A).

The parties may offer new information, such as that contained in claimant's written argument, into evidence at the remand hearing. At that time, the ALJ will determine if the new information will be admitted into the record. The parties must follow the instructions on the notice of the remand hearing about documents they wish to have considered at the hearing. These instructions will direct the parties to provide copies of such documents to the ALJ and the other parties before the hearing at their addresses on the certificate of mailing for the notice of hearing.

FINDINGS OF FACT: (1) On September 17, 2024, the Department mailed decision # L0006411585 to claimant's address on file with the Department. Decision # L0006411585 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 **October 7, 2024.**" Exhibit 1 at 2 (emphasis in original).

(2) Decision # L0006411585 was mailed to claimant's correct address. However, for unknown reasons, claimant never received decision # L0006411585.

(3) On or around November 26, 2024, claimant received a Statement of Collection from the Department, dated November 13, 2024, indicating that he owed a sum of \$4,872 to the Department. EAB Exhibit 2 at 1. The letter did not explain the specific basis for the debt, and did not explain to claimant that he had the right to appeal any administrative decisions which might have resulted in an overpayment that led to the debt. Prior to receiving this letter, claimant had not been aware that he had owed money to the Department. That week, after receiving the Statement of Collection, claimant attempted to call the Department for clarification, but was unable to reach them.

(4) On December 4, 2024, claimant filed a late request for hearing on decision # L0006411585.

CONCLUSIONS AND REASONS: Order No. 25-UI-312109 is reversed and this matter remanded for a hearing on the merits of decision # L0006411585.

The request for hearing on decision # L0006411585 was due by October 7, 2024. Because claimant did not file his request for hearing until December 4, 2024, the request was late. The order under review concluded that while claimant's not having received decision # L0006411585 was a circumstance beyond his reasonable control that prevented him from filing a timely request for hearing, claimant failed to file his request within a reasonable time after the factors preventing a timely filing ceased because claimant "became aware of the decision, and his right to appeal on November 24, 2024... [but] waited until December 4, 2024 to file his request for hearing." Order No. 25-UI-312109 at 2. The record does not support the conclusion that claimant failed to file his request within a reasonable time.

The record shows that claimant received the Statement of Collection on or around November 26, 2024, which is how he learned of the debt he owed the Department and, apparently by extension, the denial determined under decision # L0006411585. However, unlike decision # L0006411585, the Statement of Collection contained no information regarding claimant's right to appeal a decision unfavorable to him, and the record does not otherwise show that claimant was ever apprised of his appeal rights. As such, the circumstances which prevented a timely filing did not cease on the date that claimant received the Statement of Collection, as claimant neither knew nor had reason to know of his appeal rights on that date. Instead, the circumstances preventing timely filing persisted until claimant decided, apparently of his own accord, to file the request for hearing on December 4, 2024. As the circumstances preventing timely filing ended on the date that claimant filed the request for hearing, claimant filed it within a reasonable time.

For the above reasons, claimant had good cause for failing to file a timely request for hearing, and filed his late request for hearing within a reasonable time. Claimant's late request for hearing on decision # L0006411585 therefore is allowed, and claimant is entitled to a hearing on the merits of that decision.

DECISION: Order No. 25-UI-312109 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-312109 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 تأثیر 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.

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