

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0788

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On March 4, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide identity verification information in accordance with the Department's rules and was ineligible for benefits for the week of February 23 through March 1, 2025 (week 09-25), and until the reason for the denial ended (decision # L0009674501). On March 24, 2025, decision # L0009674501 became final without claimant having filed a request for hearing. On December 1, 2025, claimant filed a late request for hearing.

ALJ Kangas considered claimant's request, and on December 12, 2025, issued Order No. 25-UI-314148, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by December 26, 2025. On December 18, 2025, claimant filed a timely application for review of Order No. 25-UI-314148 with the Employment Appeals Board (EAB). Claimant included a brief statement with their application for review, but did not submit an appellant questionnaire response. This matter comes before EAB based upon claimant's December 18, 2025 application for review of Order No. 25-UI-314148.

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is the statement claimant included with their application for review, 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.

FINDINGS OF FACT: (1) Decision # L0009674501, mailed to claimant's address on file with the Department on March 4, 2025, stated, "Tiene derecho a apelar nuestra decisión y solicitar una audiencia si cree que nuestra decisión es incorrecta. Debemos recibir su solicitud de audiencia a más tardar el **24 de marzo de 2025.**" Exhibit 1 at 2 (emphasis in original). Translated to English, this stated, "You have

the right to appeal our decision and request a hearing if you believe our decision is incorrect. We must receive your hearing request no later than March 24, 2025.”

(2) On March 24, 2025, decision # L0009674501 became final without claimant having filed a request for hearing.

(3) On December 1, 2025, claimant filed a late request for hearing on decision # L0009674501.

CONCLUSIONS AND REASONS: Claimant’s late request for hearing is dismissed.

ORS 657.269 provides 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 provides that the 20-day deadline may be extended a “reasonable time” upon a showing of “good cause.” OAR 471-040-0010 (February 10, 2012) provides 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 ceased to exist.

The request for hearing on decision # L0009674501 was due by March 24, 2025. Claimant filed their request for hearing on December 1, 2025, and therefore it was late.

Claimant was given the opportunity to explain what factors prevented timely filing by responding to an appellant questionnaire within fourteen days of the date the order dismissing the request was mailed. Order No. 25-UI-314148 at 2. Claimant did not submit an appellant questionnaire response. However, claimant included with their application for review a message stating:

I was appealing my status of voluntary resignation vs being discharged. That took about 8 months to get reversed. Now that I have been approved designated as fired by my employer i am now turning my efforts into tying up all other loose ends that pertain to my unemployment claim.

EAB Exhibit 1 at 1.

Based on this information, it appears that claimant failed to file a hearing request by the March 24, 2025 deadline because they were focused on a separate matter involving their separation from work, and filed late on December 1, 2025 because that was when the work separation matter was resolved.

Claimant did not show good cause to extend the March 24, 2025 deadline to file a hearing request on decision # L0009674501. Claimant did not show that a factor beyond their reasonable control prevented them from filing in a timely manner. The administrative decision stated that claimant had the right to appeal the decision and that the hearing request must be received no later than March 24, 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 did not offer any evidence to show that it was impossible or prohibitively difficult to request a hearing on decision # L0009674501 while simultaneously addressing the separate matter involving their separation from work.

Claimant's decision to wait until after resolving the separate work separation matter to request a hearing on decision # L0009674501 was likely a mistake on their part. However, it was not an "excusable mistake" within the meaning of the administrative rules because it did not, for example, raise a due process issue, and was not the result of inadequate notice, reasonable reliance on another, or the inability to follow directions despite substantial efforts to comply.

Claimant therefore failed to show that factors beyond their reasonable control or an excusable mistake prevented them from filing a timely request for hearing. Accordingly, good cause does not exist to extend the deadline for timely filing of the request for hearing. As such, claimant's late request for hearing on decision # L0009674501 is dismissed.

DECISION: Order No. 25-UI-314148 is affirmed.

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

DATE of Service: January 26, 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.

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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.

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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.