

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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.



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 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 Tự 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 – សេចក្តីសម្រាប់នាមដានដល់ប៉ះពាល់ដល់អត្ថប្រយោជន៍ត្រានការងារធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រាប់នេះ សូមទាក់ទងគណៈកម្មការខ្លួនរបស់ការងារភ្នាម។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រាប់នេះទេ លោកអ្នកអាចជាក់ពាក្យបីដែលសំច្បាប់នាមនានការពិនិត្យឱ្យក្នុងវិញ្ញាបាមួយគុណខ្លួនរណ៍ដើម្បី Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសាសនាឌានីខាងចែងបញ្ចប់នៃសេចក្តីសម្រាប់នេះ។

Laotian

ເອີໃຈໃສ່ – ຄຳຕັດສິນນີ້ມີຜົນກະທິບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການທ່ວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄຳຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນຫັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນຄຳຕັດສິນນີ້, ທ່ານສາມາດຢືນຄໍາຮ້ອງຂໍການທີບຫວນຄຳຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ໄດ້ປະຕິບັດຕາມຄໍາແນະນຸງໃຫ້ປະກໄວ້ຢ່າງຍໍາຍຂອງຄຳຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطلة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فوراً، وإذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للبرلمانية القانونية بمحكمة الاستئناف بأورغون وذلك باتخاذ 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 پیان 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

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.