

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0790

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On September 29, 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 June 8, 2025 (decision # L0013162231).¹ Claimant filed a timely request for hearing. On October 6, 2025, notice was mailed to the parties that a hearing was scheduled for October 20, 2025. On October 20, 2025, claimant failed to appear for the hearing, and ALJ Murray issued Order No. 25-UI-307711, dismissing claimant's request for hearing due to his failure to appear. On October 21, 2025, claimant filed a timely request to reopen the hearing. On December 10, 2025, ALJ Murray conducted a hearing and on December 11, 2025 issued Order No. 25-UI-313895, denying claimant's request to reopen the October 20, 2025 hearing and leaving Order No. 25-UI-307711 undisturbed. On December 18, 2025, claimant filed an application for review of Order No. 25-UI-313895 with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant did not state that he provided a copy of his argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). The argument also contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented him from offering the information during the hearing as required by OAR 471-041-0090 (May 13, 2019). EAB considered only the information received into evidence at the hearing. *See ORS 657.275(2).*

FINDINGS OF FACT: (1) On October 6, 2025, notice was mailed to claimant at the address on file with the Office of Administrative Hearings (OAH) that a hearing was scheduled for October 20, 2025. Claimant received and read the notice prior to the hearing date.

¹ Decision # L0013162231 stated that claimant was denied benefits from June 8, 2025 to August 1, 2026. However, decision # L001316231 should have stated that claimant was disqualified from receiving benefits beginning Sunday, June 8, 2025, and until he earned four times his weekly benefit amount. *See ORS 657.176.*

(2) On October 20, 2025, claimant did not attend the hearing because he misremembered the hearing date as being October 21, 2025.

(3) On October 21, 2025, claimant re-read the notice of hearing and realized that he had missed the hearing. That day, he filed a request to reopen the hearing.

CONCLUSIONS AND REASONS: Claimant's request to reopen the October 20, 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. "Good cause" exists when the requesting party's failure to appear at the hearing arose from an excusable mistake or from factors beyond the party's reasonable control. OAR 471-040-0040(2) (February 10, 2012). The party requesting reopening must state the reason(s) for missing the hearing in a written statement, which the Office of Administrative Hearings (OAH) shall consider in determining whether good cause exists for failing to appear at the hearing. OAR 471-040-0040(3).

Claimant testified that he received and read the notice of hearing prior to the October 20, 2025 hearing date, but failed to appear at the hearing because he misremembered the date. Audio Record at 10:10. When claimant re-read the notice of hearing on October 21, 2025, and saw that the hearing had been scheduled for the previous day, he filed a request to reopen the hearing. The record fails to show that it was beyond claimant's reasonable control to take necessary precautions to remind himself of the correct hearing date, rather than relying upon his memory alone. Although claimant misremembering the hearing date was a mistake, 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. Accordingly, claimant has not shown good cause for having failed to appear at the hearing, and the request to reopen is therefore denied.

DECISION: Order No. 25-UI-313895 is affirmed.

D. Hettle and A. Steger-Bentz;
S. Serres, 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 លោកអ្នកអាចជាក់ពាក្យបីដែលសំច្បោមនានាការពិនិត្យរឿងដីឡើងវិញជាមួយកុណារខ្លួនណ៍ដែរ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសេវានាមួយចុងបញ្ហាប់នៃសេចក្តីសម្រចន់។

Laotian

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

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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