

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0791**

*Late Application for Review Dismissed Without Prejudice*

**PROCEDURAL HISTORY AND FINDINGS OF FACT:** On May 24, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged for misconduct and was therefore disqualified from receiving unemployment insurance benefits from January 18, 2024 to January 25, 2025 (decision # L0004229397). Claimant filed a timely request for hearing. On August 30, 2024, ALJ Schmidt conducted a hearing, and on September 3, 2024 issued Order No. 24-UI-264524, modifying decision # L0004229397 by concluding that claimant was discharged for misconduct and disqualified from receiving benefits effective January 21, 2024. On September 23, 2024, Order No. 24-UI-264524 became final without claimant having filed an application for review with the Employment Appeals Board (EAB). On December 18, 2025, claimant filed a late application for review with EAB.

**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 included with claimant's late 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.

**CONCLUSIONS AND REASONS:** The application for review is dismissed without prejudice.

On December 18, 2025, claimant filed an application for review of Order No. 24-UI-264524 with EAB. ORS 657.270(6) and ORS 657.270(7)(b) required the application for review to be filed no later than September 23, 2024. Claimant's application for review is therefore late, and this application for review is dismissed.

The deadline for filing an application for review may be extended a reasonable time if the applicant can show they have good cause to extend the deadline. *See* ORS 657.875; OAR 471-041-0070 (May 13, 2019). If claimant believes they have good cause and filed their late application for review within a

reasonable time, claimant may ask EAB to *reconsider* this decision under OAR 471-041-0145 (May 13, 2019).

EAB will dismiss any request for reconsideration that does not include **all five** of the following:

1. Claimant must file the request for reconsideration by February 12, 2026, *and*
2. Claimant must say in the request for reconsideration that they sent a copy of the request to the employer, *and*
3. Claimant must provide more specific details about the reason they filed a *late* application for review. For example, claimant should include specific information about the date they received the ALJ's Order No. 24-UI-264524, whether they read and disagreed with it, and how they were prevented from filing their application for review by September 23, 2024. Claimant should include specific details that might help EAB decide whether or not claimant had "good cause," which means factors or circumstances beyond their reasonable control prevented them from filing a timely application for review, *and*
4. Claimant must provide the date the circumstances that prevented them from filing a timely application for review ended (the circumstances they listed in response to #3, above), *and*
5. Claimant must provide sufficient information to prove that they filed their application for review within **seven** days of the date the circumstances that prevented them from filing a timely application for review ended.

There are several ways to file a request for reconsideration:

1. Use your smart phone, tablet, or computer to fill out the "File a Written Argument" form, available on EAB's website: <https://www.oregon.gov/EMPLOY/EAB/Pages/default.aspx>, *or*
2. Use your smart phone, tablet, or computer to send an email to EAB at [appealsboard@employ.oregon.gov](mailto:appealsboard@employ.oregon.gov), *or*
3. Send the request by U.S. mail or another delivery service, addressed to Employment Appeals Board, 875 Union St NE, Salem, Oregon 97311, *or*
4. Send EAB a fax at 503-378-2129.

Please note that you need only file *one* request for reconsideration.

**DECISION:** The application for review filed December 18, 2025 is dismissed without prejudice. Order No. 24-UI-264524 remains undisturbed.

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

**DATE of Service: January 23, 2026**

**NOTE:** To help meet the requirements of a request for reconsideration, please return the attached questionnaire to EAB by February 12, 2026.

## **LATE APPLICATION FOR REVIEW TO EAB - QUESTIONNAIRE**

**Please provide information about the ALJ's Order No. 24-UI-264524, mailed to you on September 3, 2024.** An application for review of that order was due by September 23, 2024. Our records show you filed your application for review with EAB on December 18, 2025.

This questionnaire is asking for information **only** about the ALJ's Order No. 24-UI-264524. This questionnaire is **not** asking for information about the underlying administrative decision in this case, decision # L0004229397.

**Important:** Answers must be mailed, faxed, or emailed to EAB by February 12, 2026. Mail to: **Employment Appeals Board, 875 Union St NE, Salem, Oregon 97311**, Fax to: **503-378-2129**, or Email to: **appealsboard@employ.oregon.gov**

1. On what date (mm/dd/yy) did you receive the ALJ's Order No. 24-UI-264524?
  
  
  
  
  
  
2. On what date (mm/dd/yy) did you file your application for review of the ALJ's Order No 24-UI-264524 with EAB?
  
  
  
  
  
  
3. How did you file your application for review of the ALJ's Order No. 24-UI-264524?  
 Email       Mail       Fax       EAB's Website  
  
 Other: \_\_\_\_\_
  
  
  
  
  
  
4. If you believe you filed your application for review before the September 23, 2024 deadline stated in the ALJ's Order No. 24-UI-264524, what information do you have to show that you filed your application for review before the deadline? You may attach copies of any documents that will help show this.
  
  
  
  
  
  
5. If you believe you had "good cause" for filing your application for review late, what were the circumstances that prevented you from filing your application for review by September 23, 2024?

6. When did those circumstances begin?
7. How did those circumstances prevent you from filing your application for review by September 23, 2024?
8. On what date (mm/dd/yy) did the circumstances that prevented you from filing your application for review by September 23, 2024 end?
9. What prompted you to file your application for review on December 18, 2025, and not earlier?
10. If you did not receive Order No. 24-UI-264524 when it was mailed in September 2024, how soon after the August 30, 2024 hearing did you try to obtain a copy of the Order, or try to learn what the ALJ's decision had been on your appeal, and when were you successful in doing so?

**Important:** The request for reconsideration is subject to dismissal unless claimant indicates below that they provided a copy of the request for reconsideration to the employer.

I provided a copy of my request for reconsideration to the employer.

I sent copies of my request for reconsideration to the employer by:

Email       Mail       Fax       Personal Delivery

Other: \_\_\_\_\_

I sent the copies of my request for reconsideration to the employer on this date (specify date):

I understand that my request for reconsideration is subject to dismissal unless it is filed by February 12, 2026.

I filed my request for reconsideration on: \_\_\_\_\_.

**Important:** Answers must be mailed, faxed, or emailed to EAB by February 12, 2026. Mail to: **Employment Appeals Board, 875 Union St NE, Salem, Oregon 97311**, Fax to: **503-378-2129**, or Email to: **appealsboard@employ.oregon.gov**



# 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 – សេចក្តីសិក្សាប្រចាំនេះមានដល់បោះពុម្ពប្រយោជន៍គ្នានករង់រដ្ឋបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសិក្សាប្រចាំនេះ សូមទាក់ទងគណៈកម្មការខ្លួនណ៍ការងារភ្នែកមិនយល់ស្របចំពេះសេចក្តីសិក្សាប្រចាំនេះទេ លោកអ្នកអាជីវកម្មនឹងសំឡុងខែតុលាអ្នករដ្ឋបានរួចរាល់នៅ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសារពន្ល់ខាងចុងបញ្ហាបែនសេចក្តីសិក្សាប្រចាំនេះ។

## **Laotian**

ເອົາໃຈສេះ – ຄាំពុះតិះនីមិនកែងកម្រិតពេលរៀងទុំរួមទីនៅក្នុងការងារភ្នែកមិនមែនទៀត។ តើខាងក្រោមនេះនឹងតិះនីមិនកែងកម្រិតពេលរៀងទុំរួមទីនៅក្នុងការងារភ្នែកមិនមែនទៀត។ ក្នុងការងារភ្នែកមិនកែងកម្រិតពេលរៀងទុំរួមទីនៅក្នុងការងារភ្នែកមិនមែនទៀត។

## **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 للمراجعة القانونية بمحكمة الاستئناف بأوريغون و ذلك باتباع الإرشادات المدرجة أسفل القرار.

## **Farsi**

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بالاصله با هیأت فرجام 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 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](mailto:appealsboard@employ.oregon.gov)

Website: [www.Oregon.gov/employ/pages/employment-appeals-board.aspx](http://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.