

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0804

*Affirmed
Late Request for Hearing Dismissed*

PROCEDURAL HISTORY: On January 7, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide information to verify their identity and was therefore ineligible to receive unemployment insurance benefits effective December 29, 2024, and until the reason for the denial ended (decision # L0008067306). On January 27, 2025, decision # L0008067306 became final without claimant having filed a request for hearing. On September 29, 2025, claimant filed a late request for hearing. ALJ Kangas considered the request, and on November 10, 2025, issued Order No. 25-UI-310044, dismissing the request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by November 24, 2025. On November 25, 2025, claimant filed a late appellant questionnaire response. On December 12, 2025, ALJ Kangas issued Order No. 25-UI-314099, cancelling Order No. 25-UI-310044, declining to consider claimant's appellant questionnaire response because it was filed late, and re-dismissing claimant's late request for hearing. On December 20, 2025, claimant filed an application for review of Order No. 25-UI-314099 with the Employment Appeals Board (EAB).

EVIDENTIARY MATTER: Claimant's appellant questionnaire response was not filed by the deadline provided in Order No. 25-UI-310044, but was filed before that order became final. The late questionnaire response was marked for identification as Exhibit 3, but was not considered as evidence by the ALJ and, as such, is not evidence in the hearing record. However, the information in claimant's response to the appellant questionnaire is relevant and material to the determination of whether their late request for hearing should be allowed, and was filed while the matter was pending at the Office of Administrative Hearings (OAH). Accordingly, under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB **did** consider the late appellant questionnaire response when reaching this decision.

FINDINGS OF FACT: (1) Decision # L0008067306, mailed to claimant's address on file with the Department on January 7, 2025, 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 **January 27, 2025**." Exhibit 1 at 2 (emphasis in original).

(2) Claimant received decision # L0008067306, or viewed a copy of it in Frances Online, shortly after it was mailed. By the January 27, 2025 appeal deadline, claimant had returned to work and “forgot about” the administrative decision without having attempted to file a request for hearing. Exhibit 3 at 2.

(3) On September 29, 2025, claimant filed a late request for hearing on decision # L0008067306.

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

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

The request for hearing on decision # L0008067306 was due by January 27, 2025. Claimant’s request for hearing was filed on September 29, 2025, and was therefore late. Claimant wrote in the appellant questionnaire response that they received decision # L0008067306 on November 10, 2025, which was the date order No. 25-UI-310044 was mailed, and therefore claimant’s response likely referred to the date that order, rather than decision # L0008067306, was received. Exhibit 3 at 3. Claimant’s other responses to the appellant questionnaire do not suggest that any delay occurred in receipt of the administrative decision, and it is therefore reasonable to infer that claimant received decision # L0008067306 shortly after it was mailed. Where the appellant questionnaire asked, “If you did not file your hearing request (appeal) before the deadline stated in the administrative decision, why didn’t you?” claimant wrote, “I returned to work and forgot about it.” Exhibit 3 at 2. The record does not otherwise show why claimant filed the request for hearing on September 29, 2025, as opposed to an earlier date.

Claimant has not shown that factors beyond their reasonable control or an excusable mistake prevented timely filing of a request for hearing. Although forgetting about the administrative decision after returning to work may have been 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, good cause to extend the filing deadline has not been shown, and the late request for hearing is dismissed.

DECISION: Order No. 25-UI-314099 is affirmed.

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

DATE of Service: January 27, 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

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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