

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0807

Reversed & Remanded

PROCEDURAL HISTORY AND FINDINGS OF FACT: On December 24, 2024, 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 December 15, 2024 through December 21, 2024 (week 51-24), and until the reason for the denial ended (decision # L0007929634). On January 13, 2025, decision # L0007929634 became final without claimant having filed a request for hearing. On November 19, 2025, claimant filed a late request for hearing on decision # L0007929634.

ALJ Kangas considered claimant's request, and, on December 17, 2025, issued Order No. 25-UI-314581, 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 31, 2025. On December 23, 2025, claimant filed an application for review of Order No. 25-UI-314581 with the Employment Appeals Board (EAB), and included with the application a written statement responding generally to the appellant questionnaire. This matter comes before EAB based on claimant's December 23, 2025 application for review of Order No. 25-UI-314581.

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 written statement included with claimant's 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: Order No. 25-UI-314581 is set aside, and this matter remanded for a hearing on whether claimant's late request for hearing on decision # L0007929634 should be allowed, and if so, the merits of that decision.

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 deadline to file a request for hearing on decision # L0007929634 was January 13, 2025. Because claimant did not request a hearing until November 19, 2025, the hearing request was late.

The information contained in the written statement claimant included with their application for review indicates that for a period of time in 2024, claimant was living in a sober living treatment facility and did not consistently receive their mail. EAB Exhibit 1 at 1. Claimant stated that during their time in the facility, they often did not receive notices from the Department, and asserted that they were not aware of the appeal deadline for decision # L0007929634 until after it had passed. EAB Exhibit 1 at 1. However, the information provided states that claimant resided in the facility from February 2024 through October 2024, a period *before* decision # L0007929634 was issued. EAB Exhibit 1 at 1. The written statement also states that the circumstances that prevented a timely filing ended on December 17, 2024, which was seven days *before* the December 24, 2024 administrative decision was issued.

On remand, the ALJ should inquire as to when claimant learned of the existence of decision # L0007929634 and their right to appeal, and whether claimant’s November 19, 2025 late request for hearing occurred within a seven-day “reasonable time” after that date. In particular, the ALJ should clarify when claimant was in the treatment facility. The ALJ should ask questions to determine how, if claimant resided in the facility from February 2024 through October 2024, claimant’s presence in the facility resulted in mail delivery interruptions that affected their ability to receive decision # L0007929634, given that the decision was issued afterward, on December 24, 2024. The ALJ should make inquiries necessary to determine whether any other factors may have caused claimant to be unaware of the administrative decision and their right to appeal, and should clarify whether such factors, if any, ended on December 17, 2024, before decision # L0007929634 was issued. The ALJ should also ask questions to develop why claimant did not file a request for hearing on the decision until November 19, 2025. If the record on remand shows good cause to extend the filing deadline and that claimant’s late request for hearing was made within a reasonable time, the late request for hearing should be allowed and the ALJ should turn to the merits of the case.

Order No. 25-UI-314581 therefore is reversed, and this matter remanded for a hearing on whether claimant’s late request for should be allowed, and if so, the merits of decision # L0007929634.

DECISION: Order No. 25-UI-314581 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: January 29, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-314581 or return this matter to EAB. Only a timely application for review of the order mailed to the parties after the remand hearing will return this matter to EAB.

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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

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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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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