

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0005

Reversed
Late Requests for Hearing Allowed
Merits Hearings Required

PROCEDURAL HISTORY: On October 13, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant filed a late claim for unemployment insurance benefits for the week of August 24, 2025 through August 30, 2025 (week 35-25), and was therefore ineligible to receive benefits for that week (decision # L0013633611). Also on October 13, 2025, the Department served notice of an administrative decision concluding that claimant did not actively seek work during the week of September 21, 2025 through September 27, 2025 (week 39-25) and was therefore ineligible to receive benefits for that week (decision # L0013464872). On October 17, 2025, the Department served notice of an administrative decision concluding that claimant did not actively seek work during the week of August 24, 2025 through August 30, 2025 (week 35-25), and was therefore ineligible to receive benefits for that week (decision # L0013542385). Also on October 17, 2025, the Department served notice of an administrative decision concluding that claimant did not actively seek work during the week of August 31, 2025 through September 6, 2025 (week 36-25) and was therefore ineligible to receive benefits for that week (decision # L0013482220). Also on October 17, 2025, the Department served notice of an administrative decision concluding that claimant did not actively seek work during the week of September 7, 2025 through September 13, 2025 (week 37-25), and was therefore ineligible to receive benefits for that week, and that claimant received \$872 in benefits to which he was not entitled and must repay to the Department (decision # L0013445075). Also on October 17, 2025, the Department served notice of an administrative decision concluding that claimant did not actively seek work during the week of September 14, 2025 through September 20, 2025 (week 38-25), and was therefore ineligible to receive benefits for that week, and that claimant received \$872 in benefits to which he was not entitled and must repay to the Department (decision # L0013452524). On November 3, 2025, decisions # L0013633611 and L0013464872 became final without claimant having filed a request for hearing. On November 6, 2025, decisions # L0013542385, L0013482220, L0013445075, and L0013452524 became final without claimant having filed a request for hearing. On December 1, 2025, claimant filed late requests for hearing on decisions # L0013633611, L0013464872, L0013542385, L0013482220, L0013445075, and L0013452524.

ALJ Kangas considered the requests, and on December 11, 2025, issued Order No. 25-UI-313929, dismissing the request for hearing on decision # L0013633611 as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by December 25, 2025. On December 16, 2025, ALJ Kangas issued Orders No. 25-UI-314437, 25-UI-314444, 25-UI-314439, 25-UI-314443, and 25-UI-314440, dismissing the requests for hearing on decisions # L0013464872, L0013542385, L0013482220, L0013445075, and L0013452524, respectively, as late, subject to claimant's right to renew the requests by responding to an appellant questionnaire by December 30, 2025. On December 23, 2025, claimant filed an appellant questionnaire response regarding all the late requests for hearing which was forwarded to the Employment Appeals Board (EAB). On December 24, 2025, claimant filed applications for review of Orders No. 25-UI-313929, 25-UI-314437, 25-UI-314444, 25-UI-314439, 25-UI-314443, and 25-UI-314440 with EAB.

EAB combined its review of Orders No. 25-UI-313929, 25-UI-314437, 25-UI-314444, 25-UI-314439, 25-UI-314443, and 25-UI-314440 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in sextuplicate (EAB Decisions 2026-EAB-0003, 2026-EAB-0002, 2026-EAB-0005, 2026-EAB-0001, 2026-EAB-0006, 2026-EAB-0004).

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is claimant's appellant questionnaire response, has been marked as EAB Exhibit 1, and provided to the parties with this decision.¹ 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) On August 26, 2025, claimant filed an initial claim for unemployment insurance benefits that the Department determined was monetarily valid. Claimant most recently filed a weekly claim for benefits on September 30, 2025.²

(2) When filing his initial claim, claimant elected to receive correspondence through Frances Online rather than by mail.

(3) On October 13, 2025, the Department issued decisions # L0013633611 and L0013464872, which were available to view in claimant's Frances Online account that day. Each decision 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 **November 3, 2025.**" Order No. 25-UI-313929 Exhibit 1 at 2; Order No. 25-UI-314437 Exhibit 1 at 2 (emphasis in originals).

¹ A written statement included with claimant's applications for review was considered part of the appellant questionnaire response.

² EAB has taken notice of these facts, which are contained in Employment Department records. OAR 471-041-0090(1). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating 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 noticed facts will remain in the record.

(4) On October 17, 2025, the Department issued decisions # L0013542385, L0013482220, L0013445075, and L0013452524, which were available to view in claimant's Frances Online account that day. Each decision 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 **November 6, 2025.**" Order No. 25-UI-314444 Exhibit 1 at 2; Order No. 25-UI-314439 Exhibit 1 at 2; Order No. 25-UI-314443 Exhibit 1 at 2; Order No. 25-UI-314440 Exhibit 1 at 2 (emphasis in originals).

(5) After claimant filed a weekly claim for benefits on September 30, 2025, he decided to retire, and that he therefore would not claim any additional benefits. Because claimant was not claiming benefits, he did not check his Frances Online account during October or November 2025, and was therefore unaware that the administrative decisions under review had been issued.

(6) On December 1, 2025, claimant checked his Frances Online account and saw the six administrative decisions issued on October 13 and 17, 2025. That day, claimant filed late requests for hearing on those decisions.

CONCLUSIONS AND REASONS: Claimant's late requests for hearing are allowed, and hearings on the merits of decisions # L0013633611, L0013464872, L0013542385, L0013482220, L0013445075, and L0013452524 are required.

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 requests for hearing on decisions # L0013633611 and L0013464872 were due by November 3, 2025. The requests for hearing on decisions # L0013542385, L0013482220, L0013445075, and L0013452524 were due by November 6, 2025. Claimant's requests for hearing were filed on December 1, 2025, and were therefore late.

In his appellant questionnaire response, claimant did not mention expecting or receiving mailed copies of the administrative decisions, and it is therefore reasonable to infer that he elected to receive correspondence from the Department through Frances Online when filing his initial claim. Claimant last claimed benefits on September 30, 2025, approximately two weeks before the administrative decisions were issued. Claimant wrote that once he stopped claiming benefits, he was focused on traveling and moving out of state, and stopped checking his Frances Online account until December 1, 2025. EAB Exhibit 1 at 6. Claimant's failure to see the administrative decisions in Frances Online prior to the filing deadlines prevented him from filing timely requests for hearing.

Because claimant was not claiming benefits during October and November 2025, his failure to check Frances Online for correspondence during those months, and the resulting delay in his discovery of the administrative decisions, constituted a factor beyond his reasonable control that prevented timely filing of requests for hearing. Good cause has therefore been shown to extend the filing deadlines. As claimant filed the late requests for hearing on December 1, 2025, the same day he became aware of the administrative decisions, he filed the requests within a "reasonable time" after the factors that prevented

timely filing ended. Accordingly, claimant's late requests for hearing are allowed, and the matters remanded for hearings on the merits of decisions # L0013633611, L0013464872, L0013542385, L0013482220, L0013445075, and L0013452524.

DECISION: Orders No. 25-UI-313929, 25-UI-314437, 25-UI-314444, 25-UI-314439, 25-UI-314443, and 25-UI-314440 are set aside, and these matters remanded for further proceedings consistent with this order.

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

DATE of Service: January 29, 2026

NOTE: The failure of any party to appear at the hearings on remand will not reinstate Orders No. 25-UI-313929, 25-UI-314437, 25-UI-314444, 25-UI-314439, 25-UI-314443, and 25-UI-314440 or return these matters to EAB. Only a timely application for review of the order mailed to the parties after the remand hearing will return that 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

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فوراً، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الاستئناف بأوريغون و ذلك بإتباع الإرشادات المدرجة أسفل القرار.

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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