

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0016

Reversed & Remanded

PROCEDURAL HISTORY AND FINDINGS OF FACT: On November 3, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause, and therefore was disqualified from receiving unemployment insurance benefits effective June 15, 2025 (decision # L0013786889).¹ On November 24, 2025, decision # L0013786889 became final without claimant having filed a request for hearing. On November 26, 2025, claimant filed a late request for hearing on decision # L0013786889.

ALJ Kangas considered claimant's request, and on December 17, 2025 issued Order No. 25-UI-314568, 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 26, 2025, claimant filed a timely response to the appellant questionnaire² and a timely application for review of Order No. 25-UI-314568 with the Employment Appeals Board (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 claimant's response to the appellant questionnaire, 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.

¹ Decision # L0013786889 stated that claimant was denied benefits from June 15, 2025 to October 3, 2026. However, decision # L0013786889 should have stated that claimant was disqualified from receiving benefits beginning Sunday, June 15, 2025 and until they earned four times their weekly benefit amount. *See* ORS 657.176.

² Claimant filed this response on a Late Application for Review form, rather than directly responding to the questionnaire that was enclosed with the order under review. Nevertheless, claimant's answers on the form appear to relate to the reason they filed a late request for hearing. As such, this document is construed as their response to the appellant questionnaire.

CONCLUSIONS AND REASONS: Order No. 25-UI-314568 is set aside and this matter remanded for a hearing on whether claimant's late request for hearing on decision # L0013786889 should be allowed and, if so, the merits of that decision.

ORS 657.269 provides 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 provides that the 20-day deadline may be extended a "reasonable time" upon a showing of "good cause." OAR 471-040-0010 (February 10, 2012) provides 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 ceased to exist.

The request for hearing on decision # L0013786889 was due by November 24, 2025. Because claimant did not file their request for hearing until November 26, 2025, the request was late. On their response to the appellant questionnaire, claimant indicated that they filed their request late because they "filed the wrong type of appeal," and further explained that they were notified of this fact on November 26, 2025. EAB Exhibit 1 at 1. Additionally, Department records include the following note, dated November 26, 2025, in claimant's claim:

[C]alled and left her a vm to call us and sent a web message, we need to clarify about appeal(s) as claimant may have filed the wrong appeal or need another one filed, I am assigned and working on the monetary appeal she filed, no info found why this is not accurate and she did write about the separation but did not file an appeal for that issue[.]³

The above suggests that claimant may have failed to file a timely request for hearing on decision # L0013786889 because they first mistakenly filed a request for hearing on another decision—apparently a monetary determination. This may have constituted an excusable mistake. However, further information is necessary to determine whether claimant had good cause for filing the late request for hearing.

On remand, the ALJ should inquire as to when claimant filed the initial, mistaken appeal on the monetary issue and what caused them to make this mistake. Additionally, the ALJ should inquire as to what claimant stated on their initial appeal, so as to determine whether it should have been construed as a request for hearing on decision # L0013786889; and, if so, whether that request was actually timely-filed.⁴ The ALJ should also inquire as to when claimant first received decision # L0013786889, and what other factors, if any, prevented claimant from filing a timely request for hearing on that decision.

³ EAB has taken notice of this fact, which 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 fact will remain in the record.

⁴ Under OAR 471-040-0005(2)(a) (July 15, 2018), an individual may request a hearing on an administrative decision related to payment of benefits by "mail, fax, e-mail, or other means as designated by [the] Employment Department[.]" A request for hearing may also be filed "[i]n person at any publicly accessible Employment Department office in Oregon." OAR 471-040-0005(2)(b). Use of forms provided by the Department or similar offices for requesting a hearing is not required so long as the individual "expresses a present intent to appeal and it can be determined what issue or decision is being appealed." OAR 471-040-0005(1).

Order No. 25-UI-314568 therefore is reversed, and this matter remanded for a hearing on whether claimant filed a timely request for hearing or, in the alternative, whether claimant's late request for hearing should be allowed; and, if so in either case, the merits of decision # L0013786889.

DECISION: Order No. 25-UI-314568 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: January 28, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-314568 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 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 Tự 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 – សេចក្តីសម្រចន់មានធនប៉ះពាល់ដល់អគ្គប្រយោជន៍គ្មានការងាររដ្ឋូរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រចន់ សូមទាក់ទងគណៈកម្មការខ្លួនណ៍ការងាររភ្ជាមារ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រចន់ទេ លោកអ្នកអាជីវការការពិនិត្យធម្មីរដ្ឋីឡើងវិញជាមួយគុណារខ្លួនណ៍ដើម Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដើម្បីសរស់នៅខាងមុនបញ្ចប់នៃសេចក្តីសម្រចន់។

Laotian

ເອົາໃຈໃສ່ – ຄໍາຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄໍາຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນຫັນທີ່. ຖ້າທ່ານບໍ່ເຫັນຕິນໍາຄໍາຕັດສິນນີ້, ທ່ານສາມາດຢືນຄໍາຮ້ອງຂໍການທີ່ບໍ່ທວນຄໍາຕັດສິນນຳໆສານອຸທອນລັດ Oregon ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນຳທີ່ບອກໄວ້ຢ່າງຂອງຄໍາຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطلة 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 بأوريجون و ذلك باتباع الإرشادات المدرجة أسفل القرار.

Farsi

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلافضلہ 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.

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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.