

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0028

Reversed
Late Request for Hearing Allowed
Merits Hearing Required

PROCEDURAL HISTORY: On July 22, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant had failed to provide information to verify their identity in accordance with the Department’s rules and was therefore ineligible for unemployment insurance benefits effective July 13, 2025 (decision # L0011909029). On August 11, 2025, decision # L0011909029 became final without claimant having filed a request for hearing. On December 3, 2025, claimant filed a late request for hearing on decision # L0011909029. ALJ Kangas considered claimant’s request, and on December 15, 2025 issued Order No. 25-UI-314340, 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 29, 2025. On January 3, 2026, claimant filed a late response to the appellant questionnaire and a timely application for review 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.

FINDINGS OF FACT: (1) On July 22, 2025, the Department mailed decision # L0011909029 to claimant’s address on file with the Department. Decision # L0011909029 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 **August 11, 2025.**” Exhibit 1 at 2 (emphasis in original).

(2) In Summer 2025, claimant’s employer notified their staff that they would be participating in the Department’s Work Share program,¹ and advised staff to create accounts in Frances Online. Claimant

¹ See ORS 657.370–390.

did as instructed. However, the employer never claimed benefits for claimant under the Work Share program, as claimant was assigned to continue working full time for the employer afterwards. As such, claimant “no longer pursued Frances” at that time. Exhibit 2 at 4.

(3) In November 2025, claimant’s employer “laid everyone off,” including claimant. Exhibit 2 at 4. Thereafter, claimant logged back into Frances Online, intending to begin claiming benefits. At that time, claimant “saw no existing actions or messages,” and began to claim benefits. EAB Exhibit 1 at 1. The following week, the week of November 23, 2025, claimant learned that their benefits had been denied, and attempted to learn why. Claimant was unable to get ahold of the Department during that week, despite efforts to do so by telephone. Claimant “did not get [a] resolution until the following week,” the week of November 30, 2025. EAB Exhibit 1 at 1.

(4) On December 3, 2025, claimant filed a request for hearing on decision # L0011909029.

CONCLUSIONS AND REASONS: Order No. 25-UI-314340 is reversed and this matter remanded for a hearing on the merits of decision # L0011909029.

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 # L0011909029 was due by August 11, 2025. Because claimant did not file their request for hearing until December 3, 2025, the request was late. However, the record shows that claimant had good cause for filing the late request for hearing.

Claimant initially signed up for a Frances Online account in Summer 2025, as their employer had told staff to do so for benefits to be claimed under the Work Share program. However, the employer then continued to employ claimant full time. Therefore, no Work Share benefits were claimed for claimant at that time. In November 2025, claimant was laid off, and sought to begin claiming benefits. During the week of November 23, 2025, claimant learned that they had been denied benefits, but could not determine why. Claimant attempted to contact the Department that week, but was unable to “get [a] resolution” until the following week. It is presumed from this statement that claimant was able to speak to a Department representative during the week of November 30, 2025, and at that point learn why they were denied benefits. After doing so, claimant filed their late request for hearing during the same week.

While claimant may have initially had access to a copy of decision # L0011909029 in Frances Online, they apparently did not view it around the time it was issued, and it was, likewise, apparently no longer available for viewing by the time they ultimately logged in several months later. Given that claimant continued to work full time through November 2025, and therefore had no need to claim benefits in July or August 2025, claimant’s failure to view the administrative decision when it was issued was an excusable mistake. The circumstances which prevented claimant’s timely filing ended sometime during the week of November 30, 2025, as this was when claimant was finally able to determine why they had been denied benefits. While the exact date of this apparent contact with the Department is not known, given that claimant filed their request for hearing on December 3, 2025, that filing must necessarily have

occurred within seven days of when the circumstances preventing a timely filing ended. Therefore, claimant had good cause for filing the late request for hearing, and filed the request within a reasonable time. Claimant's late request for hearing on decision # L0011909029 therefore is allowed, and claimant is entitled to a hearing on the merits of that decision.

DECISION: Order No. 25-UI-314340 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: February 2, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-314340 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.



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.

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
 Website: 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.