

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0035**

*Late Application for Review Dismissed*

**PROCEDURAL HISTORY:** On April 16, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause and therefore was disqualified from receiving unemployment insurance benefits effective March 3, 2024 (decision # L0003756223).<sup>1</sup> Claimant filed a timely request for hearing. On May 22, 2024, the Office of Administrative Hearings (OAH) served notice on the parties of a hearing scheduled for June 6, 2024. On June 6, 2024, ALJ Contreras conducted a hearing at which the employer failed to appear, and issued Order No. 24-UI-255963, reversing decision # L0003756223 by concluding that claimant voluntarily quit work with good cause and was not disqualified from receiving unemployment insurance benefits based on the work separation. On June 10, 2024, the employer filed a timely request to reopen the June 6, 2024 hearing.

On April 14, 2025, OAH served notice on the parties of a hearing scheduled for May 2, 2025. On May 2, 2025, ALJ Contreras convened a hearing at which the employer appeared but claimant failed to appear. At that time, ALJ Contreras postponed the hearing due to a defect in the hearing notice. On May 5, 2025, OAH served notice on the parties of a hearing on the employer's request to reopen, scheduled for May 19, 2025. On May 19, 2025, the parties failed to appear for the hearing, and ALJ Contreras issued Order No. 25-UI-292702, dismissing the employer's request to reopen based on the employer's failure to appear and leaving Order No. 24-UI-255963 undisturbed. On August 12, 2025, the employer filed a late request to reopen the May 19, 2025 hearing.

<sup>1</sup> Decision # L0003756223 stated that claimant was denied benefits beginning March 10, 2024. However, because decision # L0003756223 stated that claimant's work separation occurred on March 8, 2024, the administrative decision should have stated that claimant was disqualified from receiving benefits beginning Sunday, March 3, 2024 and until he earned four times his weekly benefit amount. See ORS 657.176.

On October 29, 2025, ALJ Enyinnaya conducted a hearing,<sup>2</sup> and on November 6, 2025, issued Order No. 25-UI-309795, allowing the employer's request to reopen the May 19, 2025 hearing, cancelling Order No. 24-UI-255963, and affirming decision # L0003756223 by concluding that claimant voluntarily quit work without good cause and therefore was disqualified from receiving benefits effective March 3, 2024.

On November 26, 2025, Order No. 25-UI-309795 became final without claimant having filed an application for review with the Employment Appeals Board (EAB). On January 6, 2026, claimant filed a late application for review of Order No. 25-UI-309795 with 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 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.

**FINDINGS OF FACT:** (1) Order No. 25-UI-309795, mailed to claimant on November 6, 2025, stated, "You may appeal this decision by filing the attached form Application for Review with the Employment Appeals Board within 20 days of the date that this decision is mailed." Order No. 25-UI-309795 at 6. Order No. 25-UI-309795 also stated on its Certificate of Mailing, "Any appeal from this Order must be filed on or before November 26, 2025 to be timely."

(2) On November 26, 2025, Order No. 25-UI-309795 became final without claimant having filed an application for review. On January 6, 2026, claimant filed a late application for review of Order No. 25-UI-309795 with EAB.

**CONCLUSIONS AND REASONS:** Claimant's late application for review of Order No. 25-UI-309795 is dismissed.

An application for review is timely if it is filed within 20 days of the date that the Office of Administrative Hearings (OAH) mailed the order for which review is sought. ORS 657.270(6); OAR 471-041-0070(1) (May 13, 2019). The 20-day filing period may be extended a "reasonable time" upon a showing of "good cause." ORS 657.875; OAR 471-041-0070(2). "Good cause" means that factors or circumstances beyond the applicant's reasonable control prevented timely filing. OAR 471-041-0070(2)(a). A "reasonable time" is seven days after the circumstances that prevented the timely filing ended. OAR 471-041-0070(2)(b). A late application for review will be dismissed unless it includes a written statement describing the circumstances that prevented a timely filing. OAR 471-041-0070(3).

The application for review of Order No. 25-UI-309795 was due by November 26, 2025. Because claimant did not file his application for review until January 6, 2026, the application for review was late.

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<sup>2</sup> Claimant was not present for the start of the hearing, but joined the hearing conference line approximately 30 minutes after the hearing began, after the ALJ took evidence on the reopen request issue and granted the reopen request. October 29, 2025 Audio Record at 28:29. Claimant participated in the remainder of the hearing, which related to his separation from work.

Claimant provided a written statement with the application for review. However, claimant's written statement addressed only the request to reopen issue and the merits of decision # L0003756223. The written statement did not describe the circumstances that prevented claimant from filing the application for review on time. EAB Exhibit 1. Accordingly, claimant did not show good cause for the late application for review, and claimant's late application for review is dismissed.

**DECISION:** The application for review filed January 6, 2026 is dismissed. Order No. 25-UI-309795 remains undisturbed.

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

**DATE of Service: February 10, 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 الإستئناف 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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