

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0036

Late Application for Review Allowed
Affirmed
Late Request for Hearing Dismissed Without Prejudice

PROCEDURAL HISTORY: On January 28, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide identity verification information and was therefore ineligible to receive unemployment insurance benefits effective January 19, 2025, and until the reason for the denial ended (decision # L0009023535). On February 18, 2025, decision # L0009023535 became final without claimant having filed a request for hearing. On October 8, 2025, claimant filed a late request for hearing. ALJ Kangas considered the request, and on November 17, 2025 issued Order No. 25-UI-310859, dismissing the request as late, subject to claimant’s right to renew the request by responding to an appellant questionnaire by December 1, 2025. On December 8, 2025, Order No. 25-UI-310859 became final without claimant having filed an appellant questionnaire response or an application for review with the Employment Appeals Board (EAB). On January 6, 2026, claimant filed a late appellant questionnaire response and late application for review of Order No. 25-UI-310859 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 claimant’s appellant questionnaire response, 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) Decision # L0009023535, mailed to claimant’s address on file with the Department on January 28, 2025, 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 **February 18, 2025.**” Exhibit 1 at 2 (emphasis in original). Claimant filed a late request for hearing on October 8, 2025.

(2) Order No. 25-UI-310859, mailed to claimant’s address on file with the Office of Administrative Hearings (OAH) on November 17, 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-310859 at 2. Order No. 25-UI-310859 also said on its Certificate of Mailing, “Any party may appeal this Order by filing a Request for Review with the Employment Appeals Board no later than December 8, 2025.”

(3) On January 6, 2026, claimant sent an email to EAB that said, in part: “I wanted to know if you received my appeal paperwork? You should have received on or about 11/27/2025. I have not heard anything from you, so I am emailing the documents to you just in case. Perhaps, mail service was delayed with the holiday or something.” EAB Exhibit 1 at 1. EAB had not received any previous correspondence from claimant regarding Order No. 25-UI-310859, and therefore treated the email as a late application for review.¹ Claimant’s email included an undated appellant questionnaire response. EAB Exhibit 1 at 4-5.

CONCLUSIONS AND REASONS: Claimant’s late application for review is allowed. Order No. 25-UI-310859 is affirmed. Claimant’s late request for hearing is dismissed without prejudice.

Late Application for Review. 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-310859 was due by December 8, 2025. The email treated as claimant’s application for review was filed on January 6, 2026, and was therefore late. The email asserted that claimant had sent “appeal paperwork” to EAB by mail at some point before November 27, 2025, which was prior to the timely filing deadline. EAB Exhibit 1 at 1. Claimant did not elaborate on what, specifically, had been mailed. However, claimant wrote “12/1/2025” as part of their response to the appellant questionnaire question: “On what date . . . did you file your hearing request (appeal)?” EAB Exhibit 1 at 4. This suggests that claimant completed the appellant questionnaire form on or after December 1, 2025, and that the form was therefore not among the “appeal paperwork” mailed to EAB before November 27, 2025. It is reasonable to infer from this that the “appeal paperwork” was, instead, an application for review of Order No. 25-UI-310859. The failure of EAB to receive this mailed application for review was, more likely than not, a factor beyond claimant’s reasonable control that prevented timely filing. Good cause therefore exists to extend the filing deadline.

Furthermore, as the email suggests that, as of January 6, 2026, claimant was unaware that EAB had not received the mailed application for review, the factor that prevented timely filing did not end until that date. Because claimant’s late application for review was filed the same day, it was filed within a “reasonable time” after the factor that prevented timely filing ended. Accordingly, claimant’s late application for review of Order No. 25-UI-310859 is allowed.

¹ See OAR 471-041-0060(1) (May 13, 2019).

Late Request for Hearing. On October 8, 2025, claimant filed a request for hearing on decision # L0009023535. ORS 657.269 required the request for hearing to be filed no later than February 18, 2025. Claimant’s request for hearing therefore is late, and the request for hearing is dismissed.

The deadline for filing a request for hearing may be extended a reasonable time if the appellant can show that they have good cause to extend the deadline. *See* ORS 657.875; OAR 471-040-0010 (February 10, 2012). If claimant believes they have good cause and filed their late request for hearing within a reasonable time, claimant may ask EAB to reconsider this decision under OAR 471-041-0145 (May 13, 2019).

EAB will dismiss any request for reconsideration that does not include **all four** of the following:

1. Claimant must file the request for reconsideration by February 24, 2026, *and*
2. Claimant must provide additional specific details about the reason they filed their request for hearing *late* on October 8, 2025. For example, claimant should include specific information about the date they received decision # L0009023535, whether they read and disagreed with it, and how they were prevented from filing their request for hearing by February 18, 2025. Claimant should include specific details that might help EAB determine whether claimant had “good cause,” which means factors beyond their reasonable control or an excusable mistake prevented them from filing a timely request for hearing, *and*
3. Claimant must provide the date the factors that prevented them from filing a timely request for hearing ended (the factors they listed in response to #3, above), *and*
4. Claimant must provide sufficient information to show that they filed their request for hearing within **seven** days of the date the factors that prevented them from filing a timely request for hearing ended.

There are several ways to file a request for reconsideration:

1. Use your smart phone, tablet, or computer to fill out the “File a Written Argument” form, available on EAB’s website: <https://www.oregon.gov/EMPLOY/EAB/Pages/default.aspx>, *or*
2. Use your smart phone, tablet, or computer to send an email to EAB at appealsboard@employ.oregon.gov, *or*
3. Send the request to EAB by U.S. mail or another delivery service, addressed to 875 Union St NE, Salem, Oregon 97311, *or*
4. Send EAB a fax at 503-378-2129.

Please note that you need only file *one* request for reconsideration.

DECISION: Claimant’s late application for review is allowed. Order No. 25-UI-310859 is affirmed. The request for hearing filed October 8, 2025 is dismissed without prejudice.

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

DATE of Service: February 4, 2026

NOTE: To help meet the requirements of a request for reconsideration, please return the attached questionnaire to EAB by February 24, 2026.

APPELLANT QUESTIONNAIRE

Important: Answers must be mailed, faxed, or emailed to EAB by February 24, 2026. Mail to: **Employment Appeals Board, 875 Union St NE, Salem, Oregon 97311**, Fax to: **503-378-2129**, or Email to: **appealsboard@employ.oregon.gov**.

We are dismissing your hearing request (appeal) because you did not provide enough information to show that you had good cause for filing your hearing request late. Good cause exists when an action, delay, or failure to act arises from an excusable mistake or from factors beyond your reasonable control which caused you to delay filing your hearing request.

If you would like us to reconsider our decision you must answer the following questions so that we can determine whether you had good cause for delaying the filing of your hearing request (appeal).

You need to provide information about the Employment Department's administrative decision issued on January 28, 2025, which concluded that you failed to timely complete identity verification. A hearing request for that decision was due by February 18, 2025. You filed a hearing request (appeal) on October 8, 2025.

Any information you provide, including medical records or other private documents, will become part of the official record in this case and may be provided to any other parties in this case.

1. On what date (mm/dd/yy) did you receive administrative decision # L0009023535, which concluded that you failed to timely complete identity verification?

2. On what date (mm/dd/yy) did you file your hearing request (appeal)?

3. How did you file your hearing request (appeal)?
 Mail Fax Telephone

 Other: _____

4. If you believe you filed your hearing request (appeal) before the February 18, 2025 deadline stated in decision # L0009023535, what evidence do you have to show when you filed your hearing request (attach copies of any documents that will help show this)?

I understand that my request for reconsideration is subject to dismissal unless it is filed by February 24, 2026.

I filed my request for reconsideration on: _____.

Important: Answers must be mailed, faxed, or emailed to EAB by February 24, 2026. Mail to: **Employment Appeals Board, 875 Union St NE, Salem, Oregon 97311**, Fax to: **503-378-2129**, or Email to: **appealsboard@employ.oregon.gov**



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.

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

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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.