

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0036-R

Request for Reconsideration Allowed
EAB Decision 2026-EAB-0036 Modified on Reconsideration
Late Application for Review Allowed
Order No. 25-UI-310859 Reversed
Late Request for Hearing Allowed
Merits Hearing Required

PROCEDURAL HISTORY: On January 28, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide information to verify their identity 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. On February 4, 2026, EAB issued EAB Decision 2026-EAB-0036, allowing claimant's late application for review and affirming Order No. 25-UI-310859 without prejudice. On February 24, 2026, claimant filed a request for reconsideration of EAB Decision 2026-EAB-0036. This decision is made under EAB's authority from ORS 657.290(3).

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 request for reconsideration, has been marked as EAB Exhibit 2, and provided to the parties with this decision.¹ Any

¹ Claimant attached several image files and related notes to the request for reconsideration that were not made part of EAB Exhibit 2. The attachments excluded from the exhibit were either duplicative of information already in the record or not directly relevant to the issue of whether claimant's late request for hearing should be allowed.

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).

(2) At some time between January 28 and February 14, 2025, claimant mailed a request for hearing on decision # L0009023535 that the Department did not receive.

(3) On October 8, 2025, claimant went to a WorkSource office to inquire about the status of their claim and, after learning that the mailed request had not been received, filed a late request for hearing on decision # L0009023535.

CONCLUSIONS AND REASONS: Claimant's request for EAB to reconsider EAB Decision 2026-EAB-0036 is allowed. On reconsideration, EAB Decision 2026-EAB-0036 is modified. Claimant's late application for review of Order No. 25-UI-310859 is allowed. Claimant's late request for hearing is allowed, and the matter remanded for a hearing on the merits of decision # L0009023535.

Reconsideration. ORS 657.290(3) permits the Employment Appeals Board to reconsider any past decision of the Employment Appeals Board, including "the making of a new decision to the extent necessary and appropriate for the correction of previous error of fact or law." The request will be dismissed unless it says that a copy of the request was given to the other parties, and unless it is filed within 20 days after the decision the party wants to be reconsidered was mailed. OAR 471-041-0145(2) (May 13, 2019).

In EAB Decision 2026-EAB-0036, EAB allowed claimant's late application for review and affirmed Order No. 25-UI-310859 (which dismissed claimant's late request for hearing on decision # L0009023535) without prejudice, allowing claimant to file a request for reconsideration with additional information within 20 days of EAB's decision. Claimant filed a request for reconsideration that met the requirements in OAR 471-041-0145. The request for reconsideration is therefore allowed.

Late Application for Review. It can reasonably be inferred that claimant agreed with the part of EAB Decision 2026-EAB-0036 allowing the late application for review of Order No. 25-UI-310859, and that part of the decision is therefore followed on reconsideration. The remaining issue to be addressed on reconsideration is the dismissal of claimant's late request for hearing on decision # L0009023535.

Late Request for Hearing. 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 # L0009023535 was due by February 18, 2025. Claimant's request for hearing was filed on October 8, 2025, and was therefore late. Claimant wrote in the request for reconsideration, "I submitted an appeal before the deadline of 2/14/25 [*sic*]; which was more than likely lost in the mail because you did not receive anything from me." EAB Exhibit 2 at 1. The Department's failure to receive claimant's timely-mailed request for hearing was a factor beyond claimant's reasonable control that prevented timely filing of the request for hearing. Good cause therefore exists to extend the filing deadline.

Furthermore, the record suggests that until October 8, 2025, claimant was unaware that the mailed request for hearing had not been received. It can reasonably be inferred that claimant first learned this when discussing the claim with a WorkSource representative that day. As claimant filed the late request for hearing the same day, it was filed within a "reasonable time" after the factor that prevented timely filing ended. Accordingly, on reconsideration, claimant's late request for hearing is allowed, and the matter remanded for a hearing on the merits of decision # L0009023535.

DECISION: Claimant's request for EAB to reconsider EAB Decision 2026-EAB-0036 is allowed. On reconsideration, EAB Decision 2026-EAB-0036 is modified as explained in this decision.

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

DATE of Service: April 7, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-310859 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 محكمة 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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