

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0038**

*Affirmed*  
*Late Request to Reopen Dismissed*

**PROCEDURAL HISTORY:** On March 25, 2021, 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 September 27, 2020 (decision # 160544). On April 14, 2021, decision # 160544 became final without claimant having filed a request for hearing. On January 13, 2022, claimant filed a late request for hearing on decision # 160544. ALJ Kangas considered claimant's request, and on April 13, 2022 issued Order No. 22-UI-191207, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by April 27, 2022. On or around April 25, 2022, claimant filed a timely response to the appellant questionnaire. On September 15, 2022, the Office of Administrative Hearings (OAH) mailed a letter stating that Order No. 22-UI-191207 was vacated and that a hearing would be scheduled to determine whether claimant had good cause to file the late request for hearing and, if so, the merits of decision # 160544.

On November 17, 2022, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for 1:30 p.m. on December 1, 2022. On December 1, 2022, claimant failed to appear at the hearing, and on December 2, 2022, ALJ Enyinnaya issued Order No. 22-UI-208730, dismissing claimant's request for hearing due to claimant's failure to appear. On December 22, 2022, Order No. 22-UI-208730 became final without claimant having filed a request to reopen the hearing. On November 20, 2025, claimant filed a late request to reopen the hearing. ALJ Kangas considered claimant's request, and on December 31, 2025, issued Order No. 25-UI-315766, denying the request as late without good cause and leaving Order No. 22-UI-208730 undisturbed. On January 6, 2026, claimant filed an application for review of Order No. 25-UI-315766 with EAB.

**WRITTEN ARGUMENT:** Claimant did not state that they provided a copy of their argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). The argument also contained information that was not part of the record and did not show that factors or circumstances beyond claimant's reasonable control prevented them from offering the information with their request to reopen the hearing as required by OAR 471-040-0040(3) (February 10, 2012). Under ORS 657.275(2) and

OAR 471-041-0090 (May 13, 2019), EAB considered only information received into the record when reaching this decision.

**FINDINGS OF FACT:** (1) On November 11, 2022, claimant booked a flight to Washington, D.C. which was scheduled to depart Portland, Oregon at 12:14 p.m. on December 1, 2022.

(2) On November 17, 2022, OAH served notice of a hearing scheduled for 1:30 p.m. on December 1, 2022. The notice included a phone number for OAH, which parties could call if they had questions prior to the hearing. Exhibit 3 at 1.

(3) On December 1, 2022, claimant failed to appear at the hearing scheduled for that day because they were on a flight to Washington, D.C. Claimant was not able to alter their travel itinerary so that they could attend the hearing. Exhibit 5 at 1.

(4) On December 2, 2022, ALJ Enyinnaya issued Order No. 22-UI-208730, dismissing claimant's request for hearing due to their failure to appear. On December 22, 2022, Order No. 22-UI-208730 became final without claimant having filed a request to reopen the hearing. On November 20, 2025, claimant filed a late request to reopen the hearing.

**CONCLUSIONS AND REASONS:** Claimant's late request to reopen the December 1, 2022 hearing is denied.

ORS 657.270(5) states that any party who failed to appear at a hearing may request to reopen the hearing, and the request will be allowed if it was filed within 20 days of the date the hearing decision was issued and shows good cause for failing to appear. The period within which a party may request reopening may be extended if the party has good cause for failing to request reopening within the time allowed, and acts within a reasonable time. OAR 471-040-0041(1) (February 10, 2012). "Good cause" exists when an action, delay, or failure to act arises from an excusable mistake or from factors beyond an applicant's reasonable control. OAR 471-040-0041(2). "A reasonable time," is seven days after the circumstances that prevented a timely filing ended. OAR 471-040-0041(3). The party requesting reopening must state the reason(s) for filing a late request to reopen in a written statement, which OAH shall consider in determining whether good cause exists for the late filing, and whether the party acted within a reasonable time. OAR 471-040-0041(4).

Claimant failed to appear at the hearing scheduled for December 1, 2022 because they were on a flight to Washington, D.C. at the time of the hearing. The record shows that claimant booked the flight on November 11, 2022, several days prior to the issuance of the notice of hearing, and that claimant was unable to alter their travel itinerary. Although it is understandable that claimant could not attend the hearing because they were on a flight they had booked before the hearing was scheduled, claimant did not show that they made any efforts to contact OAH and reschedule the hearing prior to leaving for their trip, despite the contact information included on the notice of hearing. As such, claimant has not shown that they failed to appear at the hearing due to an excusable mistake or factors beyond their reasonable control.

Even if they had shown good cause for failing to appear at the hearing, however, claimant has not shown good cause for failing to timely file their reopen request. The request to reopen the hearing was due by

December 22, 2022. Because claimant did not file their request until November 20, 2025, the request was late. While claimant included with their reopen request a written statement regarding why they failed to appear at the hearing, this statement did not include any information to explain why claimant did not file a *timely* request to reopen the hearing. Thus, claimant has not shown that they were prevented from filing a timely reopen request due to an excusable mistake or factors beyond their reasonable control. Further, because claimant did not include such information in a written statement, claimant did not meet the requirement under OAR 471-040-0041(4). For these reasons, claimant's late request to reopen the December 2, 2022 hearing must be denied.

**DECISION:** Order No. 25-UI-315766 is affirmed.

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

**DATE of Service:** February 3, 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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