

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0042**

*Reversed & Remanded*

**PROCEDURAL HISTORY AND FINDINGS OF FACT:** On August 5, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant had failed to provide information to the Department and was therefore ineligible for unemployment insurance benefits effective June 1, 2025 (decision # L0012291698). On August 25, 2025, decision # L0012291698 became final without claimant having filed a request for hearing. On December 29, 2025, claimant filed a late request for hearing on decision # L0012291698. ALJ Kangas considered claimant's request, and on January 2, 2026 issued Order No. 26-UI-315886, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by January 16, 2026. On January 9, 2026, claimant filed a timely response to the appellant questionnaire and a timely application for review of Order No. 26-UI-315886 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.<sup>1</sup> 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.

**CONCLUSIONS AND REASONS:** Order No. 26-UI-315886 is set aside and this matter remanded for a hearing on whether claimant's late request for hearing on decision # L0012291698 should be allowed and, if so, the merits of that decision.

---

<sup>1</sup> With their response to the appellant questionnaire, claimant included a confirmation of their USPS change of address and a copy of their residential lease, apparently to support their assertion that they moved from their former address in July 2025. However, in the absence of contrary evidence, claimant's assertion on their response to the appellant questionnaire is sufficient to show that they moved at that time. As such, these attachments are not relevant and material to EAB's determination of whether claimant's late request for hearing should be allowed, and therefore have not been admitted into the record. See ORS 657.275(2) and OAR 471-041-0090(1)(b)(A).

ORS 657.269 provides 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 provides that the 20-day deadline may be extended a "reasonable time" upon a showing of "good cause." OAR 471-040-0010 (February 10, 2012) provides 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 ceased to exist.

The request for hearing on decision # L0012291698 was due by August 25, 2025. Because claimant did not file their request for hearing until December 29, 2025, the request was late. On their response to the appellant questionnaire, claimant asserted that they received decision # L0012291698 on August 5, 2025; but went on to explain, "I never received my mailed letter because I moved into my new place 7-30-2025. My mail never got sent to me[.]" EAB Exhibit 1 at 2. Claimant likewise explained that they moved from an address on Kinsrow Avenue to an address on Fergus Avenue in Eugene, Oregon; and that they failed to timely file because they "never got any documentation showing that [they] could appeal and where to appeal [and] how to appeal." EAB Exhibit 1 at 4. Claimant also said that they were prompted to file their hearing request when they did because they "called and got ahold of someone to get the process going after months of trying[.]" EAB Exhibit 1 at 3.

First, while claimant's above statements suggest that they might not have received decision # L0012291698 because they had recently moved, the record shows that decision # L0012291698 was mailed to the same address on Fergus Avenue in Eugene that claimant listed as their new address. *See* Exhibit 1 at 1. As such, this does not appear to have been a factor that prevented claimant from filing a timely request for hearing.

Nevertheless, further development of the record is necessary to determine whether claimant's late request for hearing should be allowed. On remand, the ALJ should inquire as to when, if at all, claimant received decision # L0012291698; if they did not receive it prior to the timely filing deadline, what factors caused this delay or failure to receive it; what other factors might have contributed to their failure to timely file the request; when they spoke to the Department regarding the matter and what they were told; and, if there was any delay between when they spoke to the Department and when they filed the late request for hearing, what caused the additional delay in filing.

Order No. 26-UI-315886 therefore is reversed, and this matter remanded for a hearing on whether claimant's late request for hearing should be allowed and, if so, the merits of decision # L0012291698.<sup>2</sup>

**DECISION:** Order No. 26-UI-315886 is set aside, and this matter remanded for further proceedings consistent with this order.

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

**DATE of Service:** February 12, 2026

---

<sup>2</sup> If claimant has yet to provide the information that the Department alleged that claimant failed to provide, per decision # L0012291698, claimant may wish to contact the Department directly to determine what, if anything, they still need to do.

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-315886 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**

ទោរទៅ – តម្រូវការនេះមិនមែនជាភារកិច្ចរបស់រដ្ឋនោះទេ បើសិនជាលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

**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 دستورالعمل 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](mailto:appealsboard@employ.oregon.gov)  
 Website: [www.Oregon.gov/employ/pages/employment-appeals-board.aspx](http://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.