

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0050**

*Application for Review Dismissed Without Prejudice*

**PROCEDURAL HISTORY AND FINDINGS OF FACT:** On June 11, 2025, the Oregon Employment Department (the Department) served a Notice of Wages Reported and Possible Claim concluding that claimant earned \$48,750 in wages from the employer<sup>1</sup> during claimant’s base year (decision # L0011397424). The employer filed a timely request for hearing. On August 4, 2025, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for August 18, 2025. On August 18, 2025, the employer failed to appear at the hearing. On August 19, 2025, ALJ Murray issued Order No. 25-UI-300880, dismissing the employer’s request for hearing due to their failure to appear and leaving decision # L0011397424 undisturbed. On August 21, 2025, the employer filed a timely request to reopen the hearing.

On November 24, 2025, ALJ Murray conducted a hearing, and on November 26, 2025 issued Order No. 25-UI-312268, denying the employer’s request to reopen the hearing and leaving Order No. 25-UI-300880 undisturbed. On December 12, 2025, Order No. 25-UI-312268 became final without the employer having filed an application for review with the Employment Appeals Board (EAB). On January 6, 2026, the employer filed a late application for review of Order No. 25-UI-312268 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 an email conversation between the employer and OAH, with an attached statement. EAB has construed this as the employer’s application for review and written statement explaining why the application for review is late. This evidence is marked as EAB Exhibit 1, and a copy provided to the parties with this decision. Any party that objects to our admitting EAB Exhibit 1 must send the objection to EAB in writing, explaining the basis of the objection in writing, 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.

<sup>1</sup> The record indicates that Dilts + Partners disputed the conclusion that claimant was their employee, instead asserting that claimant worked for them as an independent contractor. See DR Exhibit 2 at 1–2. For the sake of expedience, Dilts + Partners is referred to in this decision as “the employer,” but the parties should note that EAB has not ruled on the merits of decision # L0011397424 or otherwise determined whether claimant was properly classified as an employee.

**CONCLUSIONS AND REASONS:** The application for review is dismissed without prejudice.

On January 6, 2026, the employer filed an application for review of Order No. 25-UI-312268 with EAB. ORS 657.270(6) and ORS 657.270(7)(b) required the application for review to be filed no later than December 16, 2025. The employer's application for review is therefore late, and this application for review is dismissed.

The deadline for filing an application for review may be extended a reasonable time if the applicant shows they have good cause to extend the deadline. *See* ORS 657.875; OAR 471-041-0070 (May 13, 2019). If the employer believes they have good cause and filed their late application for review within a reasonable time, the employer may ask EAB to *reconsider* this dismissal decision under OAR 471-041-0145 (May 13, 2019).

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

1. The employer must file the request for reconsideration by March 11, 2026, *and*
2. The employer must say in the request for reconsideration that they sent a copy of the request to claimant, *and*
3. The employer must provide more specific details about the reason they filed a *late* application for review. For example, the employer should include specific information about the date they received the ALJ's Order No. 25-UI-312268, whether they read and disagreed with it, and how they were prevented from filing their application for review by December 16, 2025. The employer should include specific details that might help EAB decide whether or not they had "good cause," which means factors or circumstances beyond their reasonable control prevented them from filing a timely application for review, *and*
4. The employer must provide the date the circumstances that prevented them from filing a timely application for review ended (the circumstances they listed in response to #3, above), *and*
5. The employer must provide sufficient information to prove that they filed their application for review within **seven** days of the date the circumstances that prevented them from filing a timely application for review 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](mailto:appealsboard@employ.oregon.gov), *or*
3. Send the request by U.S. mail or another delivery service, addressed to Employment Appeals Board, 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:** The application for review filed January 6, 2026 is dismissed without prejudice. Order No. 25-UI-312268 remains undisturbed.

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

**DATE of Service: February 19, 2026**

**NOTE:** To help meet the requirements of a request for reconsideration, please return the attached questionnaire to EAB by March 11, 2026.

**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.



6. When did those circumstances begin?
  
  
  
  
  
  
  
  
  
  
7. How did those circumstances prevent you from filing your application for review by December 16, 2025?
  
  
  
  
  
  
  
  
  
  
8. On what date (mm/dd/yy) did the circumstances that prevented you from filing your application for review by December 16, 2025 end?
  
  
  
  
  
  
  
  
  
  
9. What prompted you to file your application for review on January 6, 2026, and not earlier?
  
  
  
  
  
  
  
  
  
  
10. Were you out of the country or otherwise away from your address of record at the time that Order No. 25-UI-312268 was issued? If so, when did you leave, when did you return, and when did you retrieve your mail containing Order No. 25-UI-312268?

**Important:** The request for reconsideration is subject to dismissal unless the employer indicates below that they provided a copy of the request for reconsideration to claimant.

I provided a copy of my request for reconsideration to claimant.

I sent copies of my request for reconsideration to claimant by:

Email       Mail       Fax       Personal Delivery

Other: \_\_\_\_\_

I sent the copies of my request for reconsideration to claimant on this date (specify date):

I understand that my request for reconsideration is subject to dismissal unless it is filed by March 11, 2026.

I filed my request for reconsideration on: \_\_\_\_\_.

**Important:** Answers must be mailed, faxed, or emailed to EAB by March 11, 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 ໄດ້ ໂດຍປະຕິບັດຕາມຄໍາແນະນໍາທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄໍາຕັດສິນນີ້.

**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](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.