

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0053-R**

*Request for Reconsideration Allowed*  
*EAB Decision 2026-EAB-0053 Reversed on Reconsideration*  
*Late Application for Review Allowed*  
*Reversed & Remanded*

**PROCEDURAL HISTORY:** On August 12, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide information as requested by the Department and was denied benefits beginning June 1, 2025 (decision # L0012470613).<sup>1</sup> On September 2, 2025, decision # L0012470613 became final without claimant having filed a request for hearing. On November 25, 2025, claimant filed a late request for hearing on decision # L0012470613.

ALJ Kangas considered claimant's request, and on December 17, 2025 issued Order No. 25-UI-314656, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by December 31, 2025. On January 6, 2026, Order No. 25-UI-314656 became final without claimant having filed a response to the appellant questionnaire or an application for review of Order No. 25-UI-314656 with the Employment Appeals Board (EAB). On January 13, 2026, claimant filed a late appellant questionnaire response and a late application for review of Order No. 25-UI-314656 with EAB. On February 18, 2026, EAB issued EAB Decision 2026-EAB-0053, dismissing claimant's late application for review. On February 25, 2026, claimant filed a timely request for reconsideration. This decision is made under EAB's authority from ORS 657.290(3).

**EVIDENTIARY MATTER:** Claimant's appellant questionnaire response was not filed by the date Order No. 25-UI-314656 became final, January 6, 2026, but was instead filed with the late application for review on January 13, 2026. However, the record shows, more likely than not, that factors or

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<sup>1</sup> Decision # L0012470613 stated that claimant was denied benefits beginning June 1, 2025. However, decision # L0012470613 also said claimant was not required to provide the requested information to OED until June 9, 2025. Therefore, it may have been a clerical error to deny benefits beginning June 1, 2025 rather than denying benefits beginning the week of June 8, 2025 (week 24-25).

circumstances beyond claimant's reasonable control prevented them from filing the appellant questionnaire response prior to Order No. 25-UI-314656 becoming final. This is so because, as further explained below, the record shows that claimant originally attempted to file an application for review on January 5, 2026, which would have been timely. It can be reasonably inferred from this, as well as the fact that the appellant questionnaire response was dated January 5, 2026, that claimant attempted to file the questionnaire response on that date as well. Additionally, the information in claimant's response to the appellant questionnaire is relevant and material to the determination of whether their late request for hearing should be allowed. Accordingly, under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered the late appellant questionnaire response when reaching this decision, has marked it as EAB Exhibit 1, and provided a copy to the parties with this decision.

EAB has also considered claimant's reconsideration request, which has been marked as EAB Exhibit 2 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 exhibits will remain in the record.

**FINDINGS OF FACT:** (1) On August 12, 2025, the Department mailed decision # L0012470613 to claimant's address on file with the Department. Decision # L0012470613 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 **September 2, 2025.**" Exhibit 1 at 2 (emphasis in original).

(2) Order No. 25-UI-314656, mailed to claimant on December 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-314656 at 2. Order No. 25-UI-314656 also stated on its Certificate of Mailing, "Any appeal from this Order must be filed on or before January 6, 2026 to be timely."

(3) On Monday, January 5, 2026, claimant sent the Department a message via Frances Online with the subject line "application for review." EAB Exhibit 2 at 4. On Friday, January 9, 2026, the Department responded to claimant's message and advised them to mail or fax the documents that claimant had enclosed with their message to EAB. On January 13, 2026, claimant filed an application for review with EAB via mail.

(4) On February 18, 2026, EAB issued EAB Decision 2026-EAB-0053, dismissing claimant's late application for review. On February 25, 2026, claimant filed a timely request for reconsideration of EAB Decision 2026-EAB-0053.

**CONCLUSIONS AND REASONS:** Claimant's reconsideration request is allowed. On reconsideration, EAB Decision 2026-EAB-0053 is reversed, and claimant's late application for review is allowed. Order No. 25-UI-314656 is set aside, and this matter remanded for a hearing on whether claimant's late request for hearing on decision # L0012470613 should be allowed and, if so, the merits of that decision.

**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." "Any party may request

reconsideration to correct an error of material fact or law, or to explain any unexplained inconsistency with Employment Department rule, or officially stated Employment Department position, or prior Employment Department practice.” OAR 471-041-0145(1) (May 13, 2019). 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).

On February 25, 2026, claimant filed a request for reconsideration consistent with the requirements set forth in OAR 471-041-0145. The request for reconsideration is therefore allowed.

**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-314656 was due by January 6, 2026. Because claimant did not file their application for review until January 13, 2026, the application for review was late. However, the record shows that claimant had good cause for filing the late application for review, and that they filed it within a reasonable time.

On January 5, 2026, claimant sent the Department a message via Frances Online with the subject line “application for review.” On January 9, 2025, the Department responded to claimant’s message and advised them to mail or fax the documents that claimant had enclosed with their message to EAB. Claimant mailed their application for review to EAB four days later, on January 13, 2026. The record does not show what claimant actually sent to the Department on January 5, 2026, as it only contains the subject line of the message, not the body or any attachments. As such, the record lacks evidence sufficient to show that claimant’s message on that date should be construed as an application for review.<sup>2</sup>

However, it is reasonable to infer that claimant was at least *attempting* to file an application for review by way of sending that message, and that they might have been able to file it timely if the Department had responded with their advice the following day, rather than waiting until the end of the week to do so. Therefore, claimant’s failure to file a timely application for review was the result of factors or circumstances beyond their reasonable control, and claimant had good cause for the late filing. Those circumstances ceased on January 9, 2026, when the Department responded with advice on how to appeal the order under review. As claimant filed their late application for review four days later, they did so within a reasonable time. Claimant’s late application for review is therefore allowed.

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<sup>2</sup> “An application for review may be filed on forms provided by OAH or the Employment Department and other similar offices in other states. Use of the form is not required, provided the applicant requests review of a specific ALJ Order, or otherwise expresses intent to appeal an ALJ Order.” OAR 471-041-0060(1) (May 13, 2019). The record does not show that claimant’s message on January 5, 2026 included such a request, or expressed such an intent.

**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 # L0012470613 was due by September 2, 2025. Because claimant did not file their request for hearing until November 25, 2025, the request was late. On their response to the appellant questionnaire, claimant indicated that they received decision # L0012470613 on August 12, 2025, and filed their request for hearing on August 29, 2025. EAB Exhibit 1 at 2. If claimant did file a request for hearing on decision # L0012470613 on that date, that request would have been timely. However, the record lacks any corroborating evidence to show that claimant either filed, or attempted to file, a request for hearing on that date.

On remand, the ALJ should inquire as to how claimant filed or attempted to file the request for hearing on August 29, 2025 (i.e., by email, mail, or some other means) and where it was directed to (such as an email or postal address), whether claimant has a copy of the earlier request, and whether claimant received any indication that the earlier filing was not successfully transmitted or received. To the extent that the record on remand does not show that claimant filed a timely request for hearing, the ALJ should inquire as to what caused claimant to file the late request for hearing on November 25, 2025, as opposed to some other date, and when any circumstances that prevented claimant from filing the request earlier ended.

Order No. 25-UI-314656 therefore is reversed, and this matter remanded for a hearing on whether claimant filed a timely request for hearing or, in the alternative, whether claimant’s late request for hearing should be allowed; and, if so in either instance, the merits of decision # L0012470613.

**DECISION:** EAB Decision 2025-EAB-0053 is reversed on reconsideration. The late application for review filed on January 13, 2026 is allowed. Order No. 25-UI-314656 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:** April 24, 2026

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-314656 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 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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