

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0056

Late Application for Review Allowed
Order No. 25-UI-314623 Reversed
Late Request for Hearing Allowed
Merits Hearing Required

PROCEDURAL HISTORY: On August 19, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to complete a reemployment services and eligibility assessment (RESEA) interview as required by the Department's rules to register for work, and was therefore ineligible to receive unemployment insurance benefits effective July 27, 2025, and until the reason for the denial ended (decision # 0012408318). On September 8, 2025, decision # L0012408318 became final without claimant having filed a request for hearing. On December 4, 2025, claimant filed a late request for hearing. ALJ Kangas considered the request, and on December 17, 2025 issued Order No. 25-UI-314623, dismissing the request 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-314623 became final without claimant having filed an appellant questionnaire response or an application for review of Order No. 25-UI-314623 with the Employment Appeals Board (EAB). On January 14, 2026, claimant filed a late application for review and appellant questionnaire response 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 claimant's late application for review and appellant questionnaire response, has been marked as EAB Exhibit 1, 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 exhibit will remain in the record.

FINDINGS OF FACT: (1) Decision # L0012408318, mailed to claimant's address on file with the Department on August 19, 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 **September 8, 2025.**" Exhibit 1 at 2 (emphasis in original). Claimant received decision # L0012408318 shortly after it was sent.

(2) On May 21, 2025, claimant filed an initial claim for unemployment insurance benefits that the Department determined was monetarily valid. The same day, the Department sent a letter stating that claimant was required to register for work by, among other things, completing a RESEA interview by June 4, 2025. On June 10, 2025, the Department issued an administrative decision denying benefits, effective June 1, 2025, because claimant failed to register for work by the June 4, 2025 deadline (decision # L0011216826). On June 18, 2025, the Department issued decision # L0011214765, cancelling decision # L0011216826 “because [the Department] decided to allow benefits after the claimant completed their work registration successfully.”¹

(3) As of September 8, 2025, claimant had returned to work and did not immediately intend to claim further benefits. Claimant had not claimed benefits after the July 27, 2025 effective date of the ineligibility imposed by decision # L0012408318.² Claimant decided not to file a request for hearing on decision # L0012408318 by the September 8, 2025 deadline.

(4) Claimant claimed benefits for the weeks of October 19, 2025 through November 8, 2025 (weeks 43-25 through 45-25), but no benefits were paid for those weeks based on decision # L0012408318.³

(5) On December 4, 2025, claimant met with a WorkSource representative who assisted in filing a late request for hearing on decision # L0012408318.

(6) Order No. 25-UI-314623, mailed to claimant’s address on file 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 in mailed.” Order No. 25-UI-314623 at 2. Order No. 25-UI-314623 also stated on its Certificate of Mailing, “Any party may appeal this Order by filing a Request for Review with the Employment Appeals Board no later than January 6, 2026.”

(7) Claimant received Order No. 25-UI-314623 shortly after it was issued. Beginning on approximately December 27, 2025, claimant attempted to fax an appellant questionnaire response to the Office of Administrative Hearings (OAH) multiple times, but the transmissions failed for unknown reasons.

¹ EAB has taken notice of these facts, which are contained in Employment Department records. OAR 471-041-0090(1). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating 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 noticed facts will remain in the record.

² EAB has taken notice of this fact, which is contained in Employment Department records. OAR 471-041-0090(1). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating 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 noticed fact will remain in the record.

³ EAB has taken notice of this fact, which is contained in Employment Department records. OAR 471-041-0090(1). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating 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 noticed fact will remain in the record.

(8) On January 13, 2026, claimant spoke with an OAH representative by telephone and requested an emailed copy of the appellant questionnaire, which was received that day. Claimant typed answers on that copy of the questionnaire and on January 14, 2025, filed the response with EAB by email.

CONCLUSIONS AND REASONS: Claimant’s late application for review is allowed. Claimant’s late request for hearing is allowed, and a hearing on the merits of decision # L0012408318 is required.

Late Application for Review. An application for review is timely if it is filed within 20 days of the date that 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-314623 was due by January 6, 2026. Claimant’s application for review was filed on January 14, 2026, and was therefore late. Claimant wrote in the appellant questionnaire response that they had been “trying to fax a copy of this document since, roughly Dec 27, 2025.” EAB Exhibit 1 at 3. Claimant also wrote in the application for review, “My wife has been unsuccessfully attempting to fax my Dismissal with Right to Renew Appeal form for several weeks. I spoke with someone on the phone to get a new email version of the form, so I could fill it out, on January 13, 2026.” EAB Exhibit 1 at 1. It can reasonably be inferred that the failure of claimant’s timely fax transmissions was a factor beyond claimant’s reasonable control that prevented timely filing of an application for review. Good cause therefore exists to extend the filing deadline. These failed fax transmissions apparently continued periodically until January 13, 2026, when claimant spoke with an OAH representative and obtained an electronic copy of the appellant questionnaire that could be completed and filed by email. Claimant filed the late application for review and appellant questionnaire response the following day, and therefore within a “reasonable time” after the factor that prevented timely filing ended. Accordingly, claimant’s late application for review is allowed.

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 # L0012408318 was due by September 8, 2025. Claimant’s request for hearing was filed on December 4, 2025, and was therefore late. Claimant wrote in the appellant questionnaire response that they received decision # L0012408318 on the day it was issued. EAB Exhibit 1 at 2. Claimant also wrote, in relevant part: “At the time that I was required to file an appeal for my claim, I was employed . . . I began filing for unemployment at the end of November 2025. I was able to meet with a [W]orkSource Oregon representative on December 4, 2025. I then filed an appeal through the online system.” EAB Exhibit 1 at 3. Department records show that, as of the September 8, 2025 filing deadline, claimant had not claimed benefits for any weeks affected by the period of ineligibility

imposed by decision # L0012408318, and did not claim benefits again until more than a month after that deadline. Moreover, Department records suggest that claimant had been given contradictory or confusing information about whether this claim issue had been already resolved in June 2025, possibly suggesting to claimant that it could again be resolved without a formal appeal.

Under these circumstances, claimant's decision not to file a timely request for hearing on decision # L0012408318 was an excusable mistake. Good cause therefore exists to extend the filing deadline. The factor that prevented timely filing ended on December 4, 2025, when claimant received clarification from a WorkSource representative about whether the Department still considered this claim issue unresolved and whether it could be resolved without claimant filing an appeal. As claimant's late request for hearing was filed the same day, it was filed within a "reasonable time" after the factor that prevented timely filing ended. Accordingly, claimant's late request for hearing is allowed, and this matter is remanded for a hearing on the merits of decision # L0012408318.

DECISION: Claimant's late application for review is allowed. Order No. 25-UI-314623 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 25, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-314623 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 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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