

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0059-R

Request for Reconsideration Allowed
EAB Decision 2025-EAB-0059 Reversed on Reconsideration
Late Application for Review Allowed
Order No. 25-UI-315196 Reversed & Remanded

PROCEDURAL HISTORY: On August 21, 2025, 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 from November 17, 2024 to November 15, 2025 (decision # L0012564864). On September 10, 2025, decision # L0012564864 became final without claimant having filed a request for hearing. On October 16, 2025, claimant filed a late request for hearing on decision # L0012564864. ALJ Kangas considered claimant's request, and on December 23, 2025 issued Order No. 25-UI-315196, dismissing claimant's late request for hearing, subject to claimant's right to renew the request by responding to an appellant questionnaire by January 6, 2026. On January 12, 2026, Order No. 25-UI-315196 became final without claimant having filed an application for review with the Employment Appeals Board (EAB). On January 15, 2026, claimant filed a late application for review with EAB.

On February 23, 2026, EAB issued EAB Decision 2026-EAB-0059, dismissing claimant's late application for review without prejudice, subject to their right to request reconsideration and provide additional evidence to EAB regarding the reasons for the late filing. On March 9, 2026, claimant filed a timely request for reconsideration of EAB Decision 2026-EAB-0059. This decision is made under EAB's authority from ORS 657.290(3).

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence consists of claimant's request for reconsideration, 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, 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 exhibit will remain in the record.

FINDINGS OF FACT: (1) Claimant filed an initial claim for unemployment insurance benefits effective November 17, 2024. Thereafter, claimant claimed benefits each week continuously until the week ending May 17, 2025.¹

(2) On August 21, 2025, the Department issued decision # L0012564864, approximately three months after claimant stopped claiming benefits. The administrative decision disqualified claimant from receiving benefits beginning with the effective date of their initial claim, November 17, 2024. Exhibit 1 at 1.

(3) Decision # L0012564864 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 10, 2025.**” Exhibit 1 at 2 (emphasis in original). Decision # L0012564864 bore claimant’s address of record on its heading, suggesting that if it had been mailed, it would have been intended to be delivered to the appropriate address. Exhibit 1 at 1.

(4) After decision # L0012564864 was issued, claimant did not receive a mailed copy of the administrative decision. As a result, claimant was unaware of the existence of the administrative decision. EAB Exhibit 1 at 1. It is possible that claimant was either emailed a copy of decision # L0012564864, or was emailed a notice that the decision was available to be viewed in claimant’s Frances Online account.

(5) On September 10, 2025, decision # L0012564864 became final without claimant having filed a request for hearing. On October 12, 2025, claimant received in the mail from the Department a collections notice seeking repayment of the benefits claimant had claimed and received following the filing of their initial claim. Exhibit 2 at 4. Thereafter, claimant called the Department and spoke to a representative about the collections notice and, on October 16, 2025, filed a late request for hearing on decision # L0012564864. EAB Exhibit 1 at 1.

(6) On December 23, 2025, the Office of Administrative Hearings (OAH) mailed Order No. 25-UI-315196 to claimant’s address of record on file with OAH. Order No. 25-UI-315196 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-315196 at 2. Order No. 25-UI-315196 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 12, 2026.”

(7) Claimant did not receive Order No. 25-UI-315196 promptly after it was mailed. On January 12, 2026, Order No. 25-UI-315196 became final without claimant having filed an application for review.

(8) On January 14, 2026, claimant received Order No. 25-UI-315196 in the mail. On January 15, 2026, claimant filed a late application for review of Order No. 25-UI-315196.

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.

CONCLUSIONS AND REASONS: Claimant’s request for reconsideration is allowed. Claimant’s late application for review of Order No. 25-UI-315196 is allowed. Order No. 25-UI-315196 is set aside, and this matter remanded for a hearing on whether claimant’s late request for hearing on decision # L0012564864 should be allowed and, if so, the merits of decision # L0012564864.

Request for 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.” 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) (May 13, 2019).

EAB dismissed claimant’s late application for review without prejudice, allowing them to file a request for reconsideration with additional evidence regarding the late filing. Claimant filed a request for reconsideration that met the requirements of 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 deadline to file an application for review of Order No. 25-UI-315196 was January 12, 2026. Because claimant did not file an application for review until January 15, 2026, the application for review was late.

Claimant established good cause to extend the deadline to file the application for review given that they did not actually receive the order until January 14, 2026, which was after the January 12, 2026 deadline to file. The fact that claimant did not receive Order No. 25-UI-315196 promptly was a factor or circumstance beyond their reasonable control that prevented timely filing. Further, the circumstances preventing a timely filing ended upon claimant’s receipt of the order on January 14, 2026, and claimant filed their application for review the next day, January 15, 2026. Therefore, claimant filed the late application for review within a reasonable time because, and the 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 deadline to file a request for hearing on decision # L0012564864 was September 10, 2025. Because claimant did not file their hearing request until October 16, 2025, the request for hearing was late.

The available information indicates that claimant filed their initial claim in November 2024, and then claimed benefits continuously until the week ending May 17, 2025. Decision # L0012564864 was issued about three months after claimant stopped claiming, on August 21, 2025. The administrative decision bore claimant's address of record on its heading, suggesting that if it had been mailed, it would have been intended to be delivered to the appropriate address. Exhibit 1 at 1. Claimant asserted that they never received a copy of decision # L0012564864 in the mail, and did not become aware of any circumstances relating to the administrative decision until they received a collections notice on October 12, 2025. EAB Exhibit 1 at 1; Exhibit 2 at 4. Claimant then filed their hearing request on October 16, 2025.

If claimant did not receive a copy of decision # L0012564864 via either the mail or email, or if claimant did not receive an email notice advising that the decision was viewable in claimant's Frances Online account, claimant's lack of awareness of the administrative decision could establish good cause to extend the deadline to appeal. However, further development of the record is necessary to determine whether this is the case, and, if so, whether claimant filed within a reasonable time.

On remand, the ALJ should ask questions to determine whether claimant opted out of receiving Department notices via regular mail, or if not, if claimant did not receive a copy of decision # L0012564864 because of mail mis-delivery or some other circumstance beyond claimant's reasonable control or an excusable mistake. If the record on remand shows that claimant opted out of receiving Department notices via regular mail, the ALJ should ask questions to determine whether the Department sent claimant decision # L0012564864 via email or otherwise sent claimant an email notice advising that the decision was viewable in claimant's Frances Online account. If the record on remand shows that claimant received the administrative decision by email or received an email notice to view the decision on Frances Online, the ALJ should make inquiries to develop whether the failure to view the decision electronically may have been due to factors beyond claimant's reasonable control or an excusable mistake. This should include inquiries to help assess whether claimant may have had good reason to no longer check their Frances Online account at the time of decision # L0012564864's August 21, 2025 issuance, given that they had stopped claiming benefits three months before that date.

The ALJ should also ask questions to develop whether claimant filed the late request for hearing within a seven-day reasonable time from when the factors preventing a timely filing, if any, ended. To that end, the ALJ should make inquiries to confirm that claimant received the collections notice on October 12, 2024, when precisely claimant called the Department for clarification, and what claimant learned during that call.

For these reasons, Order No. 25-UI-315196 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 # L0012564864.

DECISION: Order No. 25-UI-315196 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 20, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-315196 or return this matter to EAB. Only a timely application for review of the subsequent order will cause this matter to return 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 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 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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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