

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0073

Affirmed
Late Requests for Hearing Dismissed

PROCEDURAL HISTORY: On June 10, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to verify their identification in accordance with Department rules, and therefore was ineligible to receive unemployment insurance benefits effective June 1, 2025 (decision # L0011162283). On June 13, 2025, the Department served notice of an administrative decision concluding that claimant voluntarily quit work without good cause, and therefore was disqualified from benefits effective March 30, 2025 (decision # L0011196553).¹ On June 30, 2025, decision # L0011162283 became final without claimant having filed a request for hearing. On July 3, 2025, decision # L0011196553 became final without claimant having filed a request for hearing. On July 16, 2025, claimant filed late requests for hearing on decisions # L0011162283 and L0011196553.

ALJ Kangas considered claimant's requests. On July 22, 2025, ALJ Kangas issued Order No. 25-UI-298297, dismissing claimant's request for hearing on decision # L0011196553 as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by August 5, 2025. On July 24, 2025, ALJ Kangas issued Order No. 25-UI-298624, dismissing claimant's request for hearing on decision # L0011162283 as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by August 7, 2025. On August 11 and 13, 2025, respectively, Orders No. 25-UI-298297 and 25-UI-298624 became final without claimant having filed responses to the appellant questionnaires or applications for review with the Employment Appeals Board (EAB). On December 15, 2025, claimant filed a combined response to both appellant questionnaires.² On January 13, 2026, ALJ

¹ Decision # L0011196553 stated that claimant was denied benefits from March 30, 2025 to May 16, 2026. However, decision # L0011196553 should have stated that claimant was disqualified from receiving benefits beginning Sunday, March 30, 2025 and until claimant earned four times their weekly benefit amount. *See* ORS 657.176.

² Claimant did not directly respond to the questionnaires included with Orders No. 25-UI-298297 and 25-UI-298624. However, the record contains a document consisting of emails between claimant and the Office of Administrative Hearings (OAH) on December 15 and 16, 2025. *See* Order No. 26-UI-316872, Exhibit 3. This document is considered to be claimant's response to the appellant questionnaires.

Kangas issued Orders No. 26-UI-316872 and 26-UI-316850, canceling Orders No. 25-UI-298624 and 25-UI-298297, respectively, and re-dismissing claimant's late requests for hearing on decisions # L0011162283 and L0011196553, respectively. On January 19, 2026, claimant filed applications for review of Orders No. 26-UI-316872 and 26-UI-316850 with EAB.

EAB combined its review of Orders No. 26-UI-316872 and 26-UI-316850 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2026-EAB-0073 and 2026-EAB-0072).

EVIDENTIARY MATTER: Claimant's appellant questionnaire response was not filed by the dates that Orders No. 25-UI-298297 or 25-UI-298624 became final, August 11 and 13, 2025, respectively. The late questionnaire response was marked for identification as Exhibit 3 but was not considered as evidence by the ALJ and, as such, is not evidence in the hearing record. Claimant did not show that factors or circumstances beyond claimant's reasonable control prevented them from filing the appellant questionnaire response prior to Orders No. 25-UI-298297 or 25-UI-298624 becoming final. Accordingly, under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB did not consider the late appellant questionnaire response when reaching this decision.

WRITTEN ARGUMENT: Claimant submitted written arguments on January 19 and 26, 2026. Both arguments contained information that was not considered as evidence by the ALJ. EAB did not consider the new information in claimants' January 26, 2026 argument because it was not relevant and material to EAB's determination of whether claimant's late requests for hearing should be allowed. ORS 657.275(2) and OAR 471-041-0090(1)(b)(A). However, as the new information in claimant's January 19, 2026 argument is relevant and material to EAB's determination of whether claimant's late requests for hearing should be allowed, EAB has considered that information when reaching this decision. *See* ORS 657.275(2) and OAR 471-041-0090(1). That information has been marked and admitted as EAB Exhibit 1. Any party that objects to EAB admitting EAB Exhibit 1 must send their objection to EAB in writing, explaining 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) On June 10, 2025, the Department mailed decision # L0011162283 to claimant's address on file with the Department. Decision # L0011162283 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 **June 30, 2025.**" Order No. 26-UI-316872, Exhibit 1 at 2 (emphasis in original).

(2) On June 13, 2025, the Department mailed decision # L0011196553 to claimant's address on file with the Department. Decision # L0011196553 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 **July 3, 2025.**" Order No. 26-UI-316850, Exhibit 1 at 2-3 (emphasis in original).

CONCLUSIONS AND REASONS: Claimant's late requests for hearing are dismissed.

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. Under OAR 471-040-0010(1)(b)(B), “good cause” does not include not understanding the implications of a decision or notice when it is received.

The requests for hearing on decisions # L0011162283 and L0011196553 were due by June 30, 2025 and July 3, 2025, respectively. Because claimant did not file their requests for hearing on either decision until July 16, 2025, the requests were late.

Claimant has not shown that their late requests for hearing should be allowed. In a statement enclosed with their request for hearing on decision # L0011162283, in response to the question, “What is your reason for appealing?”, claimant stated, “I didn’t notice your deadline. I just informed it [*sic*] yesterday when I visited my local work source office.” Order No. 26-UI-316872, Exhibit 2 at 4. It is not clear from this statement whether the deadline to which claimant referred was the deadline for verifying their identity, or the deadline for filing a request for hearing on decision # L0011162283 itself. Either way, however, this statement does not show that claimant was prevented from filing a timely request for hearing on decision # L0011162283 due to factors beyond their reasonable control.

Similarly, in their January 19, 2026 written argument, claimant asserted, “My claim has been pending since May [2025], and throughout this time I have made repeated efforts to follow up with the Oregon Employment Department and obtain guidance on the status of my case.” EAB Exhibit 1 at 1. Claimant likewise stated in the argument that they “did not receive clear or timely notice that additional action was required.” EAB Exhibit 1 at 2. It is not clear whether claimant is stating they were not clearly or timely notified that they were required to verify their identification (or provide information on another matter), or that decision # L0011162283 had been issued. Based on this, claimant has not shown by a preponderance of the evidence that, e.g., they did not receive timely notice of the issuance of either of decisions # L0011162283 and L0011196553, or that they were otherwise prevented from filing requests for hearing on either decision due to factors beyond their reasonable control.

Although claimant’s failure to file timely requests for hearing on decisions # L0011162283 and L0011196553 was likely the result of a mistake on their part, it was not an “excusable mistake” within the meaning of the administrative rules because it did not, for example, raise a due process issue, and was not the result of inadequate notice, reasonable reliance on another, or the inability to follow directions despite substantial efforts to comply.

For the above reasons, claimant did not show that they failed to file timely requests for hearing on decisions # L0011162283 and L0011196553 due to an excusable mistake or factors beyond their reasonable control. Claimant’s late requests for hearing on decisions # L0011162283 and L0011196553 are therefore dismissed, and those decisions remain undisturbed.

DECISION: Orders No. 26-UI-316872 and 26-UI-316850 are affirmed.

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

DATE of Service: March 3, 2026

NOTE: You may appeal this decision by filing a Petition for Judicial Review with the Oregon Court of Appeals **within 30 days of the date of service stated above.** See ORS 657.282. For forms and information, visit <https://www.courts.oregon.gov/courts/appellate/forms/Pages/appeal.aspx> and choose the appropriate form under “File a Petition for Judicial Review.” You may also contact the Court of Appeals by telephone at (503) 986-5555, by fax at (503) 986-5560, or by mail at 1163 State Street, Salem, Oregon 97301.

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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

ទោរទៅ – តម្រូវការនេះមិនមែនជាភារកិច្ចរបស់យើងទេ 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 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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