

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0073-R

Request for Reconsideration on EAB Decision 2026-EAB-0072 Dismissed
Request for Reconsideration on EAB Decision 2026-EAB-0073 Allowed
EAB Decision 2026-EAB-0073 Followed on Reconsideration ~
Late Request for Hearing on Decision # L0011162283 Dismissed

PROCEDURAL HISTORY AND FINDINGS OF FACT: 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

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). On March 3, 2026, EAB issued EAB Decisions 2026-EAB-0073 and 2026-EAB-0072, affirming Orders No. 26-UI-316872 and 26-UI-316850, respectively.

On March 3, 2026, claimant filed requests for reconsideration of EAB Decisions 2026-EAB-0073 and 2026-EAB-0072. This decision is issued pursuant to EAB's authority under ORS 657.290(3). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2026-EAB-0073-R and 2026-EAB-0072-R).

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 requests 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, 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.

Claimant also enclosed with their requests for reconsideration a five-page document, apparently a settlement agreement between claimant and the employer. The document was not part of the record considered by the ALJ when issuing the orders under review, and claimant did not show that factors or circumstances beyond their reasonable control prevented them from submitting it prior to Orders No. 25-UI-298297 or 25-UI-298624 becoming final. Additionally, the document is not relevant and material to EAB's determination of whether claimant's late requests for hearing should be allowed. Therefore, to the extent that claimant is requesting this EAB consider that document, the request is denied. *See* ORS 657.275(2) and OAR 471-041-0090.

CONCLUSIONS AND REASONS: Claimant's request for reconsideration of EAB Decision 2026-EAB-0072 is dismissed. Claimant's request for reconsideration of EAB Decision 2026-EAB-0073 is allowed. EAB Decision 2026-EAB-0073 is followed on reconsideration.

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).

(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.

On March 3, 2026, EAB issued EAB Decisions 2026-EAB-0073 and 2026-EAB-0072, affirming Orders No. 26-UI-316872 and 26-UI-316850, respectively. Claimant filed requests for reconsideration on the same day, which were therefore timely. The request for reconsideration of EAB Decision 2026-EAB-0072 did not include a statement that a copy was provided to the other party (the employer), as required by OAR 471-041-0145(2). Therefore, claimant's request for reconsideration of EAB Decision 2026-EAB-0072 is dismissed. However, the employer is not a party to the matter addressed in EAB Decision 2026-EAB-0073, and claimant was not required to serve a copy of their request for reconsideration of that decision on the employer. Therefore, claimant's request for reconsideration of EAB Decision 2026-EAB-0073 was filed consistent with the requirements set forth in OAR 471-041-0145, and is allowed.

Late Request for Hearing on Decision # L0011162283. 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 # L0011162283 was due by June 30, 2025. Because claimant did not file their request for hearing on that decision until July 16, 2025, the request was late. As EAB explained in EAB Decision 2026-EAB-0073, claimant's previous assertion that they "did not receive clear or timely notice that additional action was required"³ was not sufficient to show that claimant's failure to file a timely request for hearing was due to factors or circumstances beyond their reasonable control, or an excusable mistake. EAB Decision 2026-EAB-0073 at 3. In their request for reconsideration of that decision, claimant similarly asserted:

I did not intentionally miss or ignore your letter. I never saw the notice and was not aware of the deadline. At the time, this issue was not in my mind, and I did not know that I was required to submit a response within that specific date.

This was my first time applying through the system, and I was unfamiliar with how the online application and response process worked. I did not know that I had to reply through the online platform, and I was not familiar with using the online filing method.

EAB Exhibit 2 at 1. Nothing in the above assertion shows that claimant was prevented from filing a timely request for hearing due to factors or circumstances beyond their reasonable control, or an excusable mistake. For instance, while claimant stated that they "never saw the notice" and therefore was "unaware of the deadline," claimant did not assert that they did not actually *receive* the administrative decision prior to the timely appeal deadline, such that they would have been prevented from filing a timely request for hearing due to an actual lack of notice. Similarly, claimant's lack of familiarity with the Department's systems, while understandable, does not constitute factors or circumstances beyond their reasonable control. It should also be noted that, while requests for hearings may be filed "using the online filing method" (*i.e.*, via Frances Online), it is not *required* to file in that manner. Instead, as noted in decision # L0011162283, claimant was also permitted to file the request for hearing by phone, in-person at a WorkSource Oregon office, or by mail. *See* Order No. 26-UI-316872,

³ EAB Exhibit 1 at 2.

Exhibit 1 at 2; *see also* OAR 471-040-0005(2) (July 15, 2018). Claimant did not show that they were unable to file the request for hearing using one of these other methods.

In sum, claimant’s statements in their request for reconsideration do not show that claimant failed to file a timely request for hearing on decision # L0011162283 due to factors beyond their reasonable control or an excusable mistake. As such, claimant has not shown good cause for filing the late request for hearing on that decision, and the request for hearing is therefore dismissed.

DECISION: Claimant’s request for reconsideration of EAB Decision 2026-EAB-0072 is dismissed. Claimant’s request for reconsideration of EAB Decision 2026-EAB-0073 is allowed. On reconsideration, EAB Decision 2026-EAB-0073 is followed, as explained herein.

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

DATE of Service: April 2, 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

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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