

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0073-R-R

EAB Decisions 2026-EAB-0073-R and 2026-EAB-0072-R Reversed on Reconsideration
EAB Decisions 2026-EAB-0073 and 2026-EAB-0072 Reversed on Reconsideration
Orders No. 26-UI-316872 and 26-UI-316850 Reversed and Remanded

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 said 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. On April 2, 2026, EAB issued EAB Decision 2026-EAB-0073-R, allowing claimant's request for reconsideration of EAB Decision 2026-EAB-0073 and following that decision on reconsideration. Also on April 2, 2026, EAB issued EAB Decision 2026-EAB-0072-R, dismissing claimant's request for reconsideration on EAB Decision 2026-EAB-0072 because it was not served on the employer. On April 8, 2026, claimant filed petitions for judicial review of EAB Decisions 2026-EAB-0073-R and 2026-EAB-0072-R with the Oregon Court of Appeals. On May 5, 2026, the Department filed notices of withdrawal of order for purposes of reconsideration pursuant to ORS 183.482(6) and ORAP 4.35. On May 8, 2026, the Department filed requests for reconsideration of EAB Decisions 2026-EAB-0073-R and 2026-EAB-0072-R.

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-R and 2026-EAB-0072-R-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 the Department's requests for reconsideration, has been marked as EAB Exhibit 3, 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.

CONCLUSIONS AND REASONS: EAB Decisions 2026-EAB-0073-R and 2026-EAB-0072-R are reconsidered on EAB's own motion. On reconsideration, EAB Decisions 2026-EAB-0073-R, 2026-EAB-0072-R, 2026-EAB-0073, and 2026-EAB-0072 are reversed. Orders No. 26-UI-316872 and 26-UI-316850 are reversed, and these matters remanded for further proceedings.

Reconsideration. ORS 657.290(3) permits the Employment Appeals Board, upon its own motion, 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

(OAH) on December 15 and 16, 2025. See Order No. 26-UI-316872, Exhibit 3. This document is claimant's response to the appellant questionnaires.

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).

EAB issued EAB Decisions 2026-EAB-0073-R and 2026-EAB-0073-R on April 2, 2026. As such, any request for reconsideration of those decisions were due by April 22, 2026. Because the Department filed its requests for reconsideration on May 8, 2026, they were not filed within 20 days of the date on which the decisions under reconsideration were issued. Additionally, the Department did not include a statement declaring that the requests for reconsideration were served on the other parties in this matter.

Regardless, ORS 657.290(3) authorizes EAB to reconsider its decisions upon its own motion. EAB has done so here because, as explained further below, new information has been provided which may correct an error of material fact or law.

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 requests for hearing on decisions # L0011162283 and L0011196553 were due by June 30, 2025 and July 3, 2025, respectively. As previously explained in EAB Decisions 2026-EAB-0073 and 2026-EAB-0072, claimant did not file their requests for hearing on either decision until July 16, 2025, and the requests were therefore late.

In a statement enclosed with their requests for reconsideration, the Department explained that on May 5, 2026, while preparing for this matter as it pended before the Court of Appeals, the Department discovered an “agency error that impacted the claimant’s due process rights.” EAB Exhibit 3 at 1. The Department did not explain what this error was, or how it impacted claimant’s due process rights. As such, the Department’s statement is not sufficient to show that the alleged due process violation prevented claimant from filing timely requests for hearing. On remand, the ALJ should inquire as to the specifics of this alleged violation, so as to determine whether claimant’s late requests for hearing should be allowed. If the record on remand shows that claimant’s late requests for hearing should be allowed, the ALJ should proceed to hearings on the merits of decisions # L0011162283 and L0011196553.

DECISION: On reconsideration, EAB Decisions 2026-EAB-0073-R, 2026-EAB-0072-R, 2026-EAB-0073, and 2026-EAB-0072 are set aside, Orders No. 26-UI-316872 and 26-UI-316850 are set aside, and these matters remanded for further proceedings consistent with this order.

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

DATE of Service: June 18, 2026

NOTE: This decision on reconsideration will be filed with the Oregon Court of Appeals. See ORS 183.482; ORAP 4.35.

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Orders No. 26-UI-316872 and 26-UI-316850 or return these matters to EAB. Only timely applications for review of the orders mailed to the parties after the remand hearing will return these matters 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 desisyong ito.

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 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.

Employment Appeals Board - 875 Union Street NE | Salem, OR 97311

Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711

Email: appealsboard@employ.oregon.gov

Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

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