

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0077

*Reversed
Request to Reopen Allowed
Merits Hearing Required*

PROCEDURAL HISTORY: On September 4, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged, but not for misconduct, and was not disqualified from receiving unemployment insurance benefits based on the work separation (decision # L0012763948). The employer filed a timely request for hearing. On October 17, 2025, notice was mailed to the parties that a hearing was scheduled for October 30, 2025. On October 30, 2025, ALJ Hall conducted a hearing at which claimant failed to appear, and on November 7, 2025 issued Order No. 25-UI-309968, reversing decision # L0012763948 by concluding that claimant was discharged for misconduct and therefore disqualified from receiving benefits effective May 18, 2025.

On November 10, 2025, claimant filed an application for review of Order No. 25-UI-309968 that, by rule, was treated as a request to reopen the October 30, 2025 hearing.¹ ALJ Kangas considered the request, and on January 15, 2026 issued Order No. 26-UI-317090, denying claimant's request to reopen and leaving Order No. 25-UI-309968 undisturbed. On January 26, 2026, claimant filed an application for review of Order No. 26-UI-317090 with EAB. This matter comes before EAB based upon claimant's application for review of Order No. 26-UI-317090.

WRITTEN ARGUMENT: EAB did not consider claimant's January 26, 2026 written argument because she did not state that she provided a copy of her argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019).

FINDINGS OF FACT: (1) On July 30, 2025, claimant filed an initial claim for unemployment insurance benefits that the Department determined was monetarily valid.² When filing the claim, claimant chose to receive correspondence from the Department through Frances Online.

¹ See OAR 471-040-0040(6) (February 10, 2012).

(2) On October 17, 2025, notice was mailed to claimant's address on file with the Department that a hearing was scheduled for October 30, 2025. The notice was not available to view in claimant's Frances Online account. Claimant did not regularly check her mail during this time because she did not expect to receive any time-sensitive correspondence about her claim by mail.

(3) On October 30, 2025, claimant failed to appear at the hearing because she had not seen the notice of hearing and was unaware that it had been scheduled. Following the hearing, on November 7, 2025, Order No. 25-UI-309968 was mailed to claimant's address on file.

(4) At some point between November 7 and 10, 2025, claimant learned that the October 30, 2025 hearing had been held, and that Order No. 25-UI-309968 had reversed decision # L0012763948, disqualifying her from receiving benefits.

(5) On November 10, 2025, claimant filed a request to reopen the October 30, 2025 hearing.

CONCLUSIONS AND REASONS: Claimant's request to reopen the October 30, 2025 hearing is allowed.

ORS 657.270(5) states that any party who failed to appear at a hearing may request to reopen the hearing, and the request will be allowed if it was filed within 20 days of the date the hearing decision was issued and shows good cause for failing to appear. "Good cause" exists when the requesting party's failure to appear at the hearing arose from an excusable mistake or from factors beyond the party's reasonable control. OAR 471-040-0040(2). The party requesting reopening must say the reason(s) for missing the hearing in a written statement, which the Office of Administrative Hearings (OAH) shall consider in determining whether good cause exists for failing to appear at the hearing. OAR 471-040-0040(3).

Claimant's request to reopen was filed within 20 days of the date Order No. 25-UI-309968 was mailed, and had a written statement explaining her reasons for missing the hearing. The request therefore met the threshold requirements for consideration.

Claimant did not appear at the October 30, 2025 hearing because she had not seen the notice of hearing and was unaware the hearing had been scheduled. Claimant did not timely see the notice, delivered by mail, because she had elected to receive correspondence regarding her claim electronically. Claimant mistakenly believed that this election applied to *all* correspondence regarding her claim. However, it did not apply to correspondence from other agencies, such as OAH. Because claimant did not have reason to know of this exception, and was not notified electronically that the employer had filed a request for hearing, claimant's mistaken belief was excusable. Therefore, claimant did not appear at the hearing due to an excusable mistake, which constitutes good cause. Accordingly, claimant's request to reopen the October 30, 2025 hearing is allowed, and a hearing on the merits of decision # L0012763948 is required.

² EAB has taken notice of this fact, which is contained in Employment Department records. OAR 471-041-0090(1) (May 13, 2019). 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.

DECISION: Order No. 26-UI-317090 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: January 29, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-317090 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 – 本判决会影响您的失业救济金。如果您不明白本判决, 请立即联系就业上诉委员会。如果您不同意此判决, 您可以按照该判决结尾所写的说明, 向俄勒冈州上诉法院提出司法复审申请。

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 – សេចក្តីសម្រាប់នៃមានជលប៉ះពាល់ជលប់អភិប្បែរយោងនៃគ្មានការងារធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រាប់នេះ សូមទាក់ទងគណៈកម្មការខ្លួនរបស់ការងារភ្នាមឱ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រាប់នេះទេ លោកអ្នកអារ៉ាកាត់ពាក្យូងឱ្យដឹងសុំទ្រូវមានការពិនិត្យផ្លូវក្នុងទីតាំងទូទៅនៃ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសាសនាអាមេរិកបង្កើតឡើងនៅសេចក្តីសម្រាប់នេះ។

Laotian

ເອົາໃຈໄສ – ຄໍາຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄໍາຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນທັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນໍາຄໍາຕັດສິນນີ້, ທ່ານສາມາດຢືນຄໍາຮ້ອງຂໍການທີບທວນຄໍາຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ໄດ້ປະຕິບັດຕາມຄໍາແນະນຳທີ່ບ້ອກໄວ້ຢ່າງຕອນທ້າຍຂອງຄໍາຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، اتصل بمجلس منازعات العمل فوراً، وإذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الاستئناف بأوريجون وذلك باتباع 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، می توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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