

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0085-R

Requests for Reconsideration Allowed
EAB Decisions 2026-EAB-0084 and 2026-EAB-0085 Followed on Reconsideration

PROCEDURAL HISTORY AND FINDINGS OF FACT: On June 29, 2021, the Oregon Employment Department (the Department) served a Notice of Determination for Pandemic Unemployment Assistance (PUA) concluding that claimant was ineligible to receive PUA benefits effective December 27, 2020. On July 19, 2021, the June 29, 2021 PUA determination became final without claimant having filed a request for hearing. On August 25, 2022, the Department served notice of an administrative decision, based in part on the June 29, 2021 PUA determination, concluding that claimant received benefits to which they were not entitled and assessing an overpayment of \$820 in PUA benefits and \$1,200 in Federal Pandemic Unemployment Compensation (FPUC) benefits that claimant was required to repay to the Department (decision # 113332). On September 14, 2022, decision # 113332 became final without claimant having filed a request for hearing. On January 9, 2024, claimant filed late requests for hearing on the June 29, 2021 PUA determination and decision # 113332.

ALJ Kangas considered the requests, and on January 30, 2024 issued Orders No. 24-UI-246872 and 24-UI-246871, dismissing the requests for hearing on the June 29, 2021 PUA determination and decision # 113332, respectively, as late, subject to claimant's right to renew the requests by responding to appellant questionnaires¹ by February 13, 2024. On February 20, 2024, Orders No. 24-UI-246872 and 24-UI-246871 became final without claimant having responded to the appellant questionnaires or filed an application for review of either matter with the Employment Appeals Board (EAB). On December 3, 2025, claimant filed a late appellant questionnaire response regarding both late requests for hearing. ALJ Kangas reviewed the appellant questionnaire response, and on January 15, 2026 issued Orders No. 26-UI-317199 and 26-UI-317192, cancelling Orders No. 24-UI-246872 and 24-UI-246871, declining to consider the appellant questionnaire response because it was filed late, and re-dismissing claimant's late requests for hearing on the June 29, 2021 PUA determination and decision # 113332, respectively. On January 23, 2026, claimant filed applications for review of Orders No. 26-UI-317199 and 26-UI-317192 with EAB. EAB combined its review of the applications for review of Orders No. 26-UI-317199 and 26-UI-317192 under OAR 471-041-0095 (October 29, 2006). On March 4, 2026, EAB issued EAB

¹ The appellant questionnaires had questions to elicit information from claimant about why they filed their requests for hearing late.

Decisions 2026-EAB-0084 and 2026-EAB-0085, affirming Orders No. 26-UI-317199 and 26-UI-317192, respectively. On March 4, 2026, claimant filed requests for reconsideration of EAB Decisions 2026-EAB-0084 and 2026-EAB-0085. This decision is made under EAB's authority from ORS 657.290(3).

For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2026-EAB-0084-R and 2026-EAB-0085-R).

WRITTEN ARGUMENT: Claimant filed written arguments on March 5, 9, 12, and 27, 2026. EAB did not consider claimant's arguments because they concerned the merits of the June 29, 2021 PUA determination and the Department's efforts to recover the resulting overpayment, and therefore were 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) (May 13, 2019).

CONCLUSIONS AND REASONS: Claimant's requests for EAB to reconsider EAB Decisions 2026-EAB-0084 and 2026-EAB-0085 are allowed. EAB Decisions 2026-EAB-0084 and 2026-EAB-0085 are followed on 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).

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.

Claimant's requests for reconsideration of EAB Decisions 2026-EAB-0084 and 2026-EAB-0085 met the threshold requirements for consideration and are allowed. EAB Decisions 2026-EAB-0084 and 2026-EAB-0085 adopted the reasoning and conclusions of Orders No. 26-UI-317199 and 26-UI-317192, respectively, that claimant failed to show good cause to allow the late requests for hearing on the June 29, 2021 PUA determination and decision # 113332. Claimant's requests for reconsideration and subsequent written arguments did not explain why claimant disagreed with those conclusions, and instead focused on claimant's disagreement with the denial of PUA benefits and a dispute over whether the Department recovered more than the amount of the overpayment plus any applicable interest and fees. Because claimant did not file the requests for hearing on time, and did not show good cause to extend the filing deadlines, the requests for hearing were properly dismissed. Due to the late requests for hearing being dismissed, the merits of claimant's PUA eligibility and the overpayment cannot be addressed through appeal. For these reasons, EAB Decisions 2026-EAB-0084 and 2026-EAB-0085 are followed on reconsideration.

Furthermore, because the consolidated record from the time the cases were pending at the Office of Administrative Hearings (OAH) lacks specific information about what prevented claimant from filing the requests for hearing on time, additional reconsideration of EAB's decisions, the orders under review, or claimant's late requests for hearing would not yield a different result. To the extent claimant may disagree with the conclusion that good cause has not been shown to allow the late requests for hearing, such disagreement is now best addressed through appeal to the Court of Appeals, and information about claimant's appellate rights is noted below.

DECISION: Claimant's requests for EAB to reconsider EAB Decisions 2026-EAB-0084 and 2026-EAB-0085 are allowed. EAB Decisions 2026-EAB-0084 and 2026-EAB-0085 are followed on reconsideration.

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

DATE of Service: April 8, 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 محكمة 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.

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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