

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0095

Affirmed
Late Requests for Hearing Dismissed Without Prejudice

PROCEDURAL HISTORY AND FINDINGS OF FACT: On January 18, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause, and therefore was disqualified from receiving unemployment insurance benefits effective June 25, 2023 (decision # 65119). On February 2, 2024, the Department served notice of an administrative decision, based in part on decision # 65119, concluding that claimant willfully made a misrepresentation and failed to report a material fact to obtain benefits, and assessing a \$5,760 overpayment that claimant was required to repay to the Department, a \$864 monetary penalty, and a 30-week penalty disqualification from future benefits (decision # 194713). On February 7, 2024, decision # 65119 became final without claimant having filed a request for hearing. On February 22, 2024, decision # 194713 became final without claimant having filed a request for hearing. On November 12, 2025, claimant filed late requests for hearing on decisions # 65119 and 194713. ALJ Kangas considered claimant's requests, and on January 21, 2026 issued Orders No. 26-UI-317612 and 26-UI-317603, dismissing claimant's requests for hearing on decisions # 65119 and 194713, respectively, as late, subject to claimant's right to renew the requests by responding to an appellant questionnaire by February 4, 2026. On January 29, 2026, claimant filed applications for review of Orders No. 26-UI-317612 and 26-UI-317603 with EAB.

EAB combined its review of Orders No. 26-UI-317612 and 26-UI-317603 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2026-EAB-0095 and 2026-EAB-0096).

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 written statement enclosed with the applications for review, has been marked as EAB Exhibit 1, 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: Orders No. 26-UI-317612 and 26-UI-317603 are affirmed. Claimant’s late requests for hearing are dismissed without prejudice.

On November 12, 2025, claimant filed requests for hearing on decisions # 65119 and 194713. ORS 657.269 required the requests for hearing to be filed no later than February 7, 2024 and February 22, 2024, respectively. Claimant’s requests for hearing therefore are late, and the requests for hearing are dismissed.

The deadline for filing a request for hearing may be extended a reasonable time if the appellant can show that they have good cause to extend the deadline. *See* ORS 657.875; OAR 471-040-0010 (February 10, 2012). If claimant believes they have good cause and filed their late requests for hearing within a reasonable time, claimant may ask EAB to reconsider this decision under OAR 471-041-0145 (May 13, 2019).

EAB will dismiss any request for reconsideration that does not include **all five** of the following:

1. Claimant must file the request for reconsideration by March 24, 2026, *and*
2. Claimant must state in the request for reconsideration that they sent a copy of the request to the employer, *and*
3. Claimant must provide additional specific details about the reason they filed their request for hearing *late*. For example, claimant should include specific information about the date they received decisions # 65119 and 194713, whether they read and disagreed with the decisions, and how they were prevented from filing their requests for hearing by the respective deadlines of February 7, 2024 and February 22, 2024. Claimant should include specific details that might help EAB determine whether or not claimant had “good cause,” which means factors beyond their reasonable control or an excusable mistake prevented them from filing a timely request for hearing, *and*
4. Claimant must provide the date the factors that prevented them from filing a timely request for hearing ended (the factors they listed in response to #3, above), *and*
5. Claimant must provide sufficient information to show that they filed their request for hearing within **seven** days of the date the factors that prevented them from filing a timely request for hearing ended.

There are several ways to file a request for reconsideration:

1. Use your smart phone, tablet, or computer to fill out the “File a Written Argument” form, available on EAB’s website: <https://www.oregon.gov/EMPLOY/EAB/Pages/default.aspx>, *or*
2. Use your smart phone, tablet, or computer to send an email to EAB at appealsboard@employ.oregon.gov, *or*

3. Send the request to EAB by U.S. mail or another delivery service, addressed to 875 Union St NE, Salem, Oregon 97311, *or*
4. Send EAB a fax at 503-378-2129.

Please note that you need only file *one* request for reconsideration.

DECISION: Orders No. 26-UI-317612 and 26-UI-317603 are affirmed. The requests for hearing filed November 12, 2025, is dismissed without prejudice.

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

DATE of Service: March 4, 2026

NOTE: To help meet the requirements of a request for reconsideration, please return the attached questionnaire to EAB by March 24, 2026.

APPELLANT QUESTIONNAIRE

Important: Answers must be mailed, faxed, or emailed to EAB by March 24, 2026. Mail to: **Employment Appeals Board, 875 Union St NE, Salem, Oregon 97311**, Fax to: **503-378-2129**, or Email to: **appealsboard@employ.oregon.gov**.

We are dismissing your hearing request (appeal) because you did not provide enough information to show that you had good cause for filing your hearing request late. Good cause exists when an action, delay, or failure to act arises from an excusable mistake or from factors beyond your reasonable control which caused you to delay filing your hearing request.

If you would like us to reconsider our decision you must answer the following questions so that we can determine whether or not you had good cause for delaying the filing of your hearing request (appeal).

You need to provide information about the administrative decision issued on January 18, 2024, which concluded that you voluntarily quit work without good cause; and the administrative decision issued on February 2, 2024, which concluded that you were overpaid benefits. A hearing request for the voluntary quit decision was due by February 7, 2024, and a hearing request for the overpayment decision was due by February 22, 2024. You filed the hearing requests (appeals) on November 12, 2025.

Any information you provide, including medical records or other private documents, will become part of the official record in this case and may be provided to any other parties in this case.

1. On what date (mm/dd/yy) did you receive administrative decision # 65119, which concluded that you voluntarily quit work without good cause? On what date (mm/dd/yy) did you receive administrative decision # 194713, which concluded that you were overpaid benefits?

2. On what date (mm/dd/yy) did you file your hearing requests (appeals)?

3. How did you file your hearing requests (appeals)?
 Mail Fax Telephone

 Other: _____

4. If you believe you filed your hearing requests (appeals) before the February 7, 2024 deadline stated in decision # 65119, or the February 22, 2024 deadline stated in decision # 194713, respectively, what evidence do you have to show when you filed your hearing requests (attach copies of any documents that will help show this)?

5. If you did not file your hearing requests (appeals) before the February 7 and February 22, 2024 deadlines stated in decisions # 65119 and 194713, respectively, why didn't you?

6. Was there anything you could have done to meet the February 7 and February 22, 2024 deadlines?

7. What prompted you to file your hearing requests (appeals) on the day they were filed? You indicated that the circumstances which prevented your timely filing of the requests for hearing ended on October 26, 2025. What happened on this date, and why did you wait until November 12, 2025 to file your requests for hearing?

8. If you believe you had "good cause" for filing your hearing requests (appeals) late after the February 7 and February 22, 2024 deadlines, please explain why.

Important: The request for reconsideration is subject to dismissal unless claimant indicates below that they provided a copy of the request for reconsideration to the employer.

I provided a copy of my request for reconsideration to the employer.

I sent copies of my request for reconsideration to the employer by:

Email Mail Fax Personal Delivery

Other: _____

I sent the copies of my request for reconsideration to the employer on this date (specify date):

I understand that my request for reconsideration is subject to dismissal unless it is filed by March 24, 2026.

I filed my request for reconsideration on: _____.

Important: Answers must be mailed, faxed, or emailed to EAB by March 24, 2026. Mail to: **Employment Appeals Board, 875 Union St NE, Salem, Oregon 97311**, Fax to: **503-378-2129**, or Email to: **appealsboard@employ.oregon.gov**



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 – តម្រូវការនេះមិនមែនជាភារកិច្ចរបស់អ្នកទេ វាគឺជាភារកិច្ចរបស់អ្នកដទៃទៀត។ បើសិនជាអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ 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 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

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.