

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0102

Reversed
Request for Hearing Timely
Merits Hearing Required

PROCEDURAL HISTORY: On March 19, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work during the week of March 3, 2024 through March 9, 2024 (week 10-24), and was ineligible to receive unemployment insurance benefits for that week and until the reason for the denial ended (decision # L0003242136).¹ On March 21, 2024, claimant filed a timely request for hearing, but the Department did not recognize it as such. On April 8, 2024, decision # L0003242136 became final without claimant having filed a request for hearing recognized by the Department.

On October 1, 2025, claimant filed a late request for hearing. ALJ Kangas considered the October 1, 2025 request for hearing, and on November 12, 2025 issued Order No. 25-UI-310309, dismissing the request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by November 26, 2025. On December 2, 2025, Order No. 25-UI-310309 became final without claimant having filed an appellant questionnaire response or an application for review with the Employment Appeals Board (EAB). On December 8, 2025, claimant filed a late appellant questionnaire response. ALJ Kangas reviewed the response, and on January 13, 2026 issued Order No. 26-UI-316836, cancelling Order No. 25-UI-310309, declining to consider the appellant questionnaire response because it was filed late, and re-dismissing claimant's late request for hearing. On January 30, 2026, claimant filed an application for review of Order No. 26-UI-316836 with EAB.

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is claimant's application for review and attached 2024 email correspondence, 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

¹ Though decision # L0003242136 imposed an indefinite period of ineligibility, whether a claimant actively sought work can only be determined after benefits have been claimed for a particular week. This issue should be addressed at the remand hearing.

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.

FINDINGS OF FACT: (1) Decision # L0003242136, mailed to claimant's address on file with the Department on March 19, 2024, stated, "You have the right to appeal our decision and request a hearing if you believe our decision is wrong. We must receive your request for a hearing no later than **April 8, 2024.**" Exhibit 1 at 1 (emphasis in original). Claimant received a copy of the decision either through the mail or via Frances Online by March 21, 2024.

(2) On March 21, 2024, claimant met with a WorkSource representative to, among other things, verify her identity. Later that morning, the representative sent claimant an email documenting what had been accomplished in their meeting. Claimant replied to the email expressing disagreement with the conclusion of decision # L0003242136 that she did not actively seek work during the week of March 3, 2024 through March 9, 2024 (week 10-24), and seeking assistance in contesting the denial of benefits.

(3) The WorkSource representative replied to claimant's email that day, writing, "Go into Frances and send a note to UI and tell them. . . that you misunderstood the 3 A's (Able, Available and Actively Seeking) causing you to say 'no' regarding your availability on week 11/24² when you were in fact available[.] You did not understand that you needed 2 Direct contacts and 3 Work Seeking activities, resulting in 5 entries for the week of 11/24. Instead you put 4 direct contacts and 1 work seeking activity, still resulting in 5[.]" EAB Exhibit 1 at 5.

(4) Later that day, claimant replied to the email, "I cannot find where to leave a note or message them anywhere on the site. I've included a photo of my options can you please direct me?" EAB Exhibit 1 at 5. The representative responded, "[S]o you want to click on the 'I want to' button and then click 'message' and send them the stuff talked about [in the previous email.]" EAB Exhibit 1 at 5.

(5) Claimant did not reply to the email until March 26, 2024, when she wrote that she had filed another weekly claim and wondered why it had not been paid, questioning if it had to do with identity verification. A further email exchange began on March 28, 2024, concerning an unrelated administrative decision issued that day that denied benefits.³

(6) On October 1, 2025, claimant filed a late request for hearing on decision # L0003242136.

CONCLUSIONS AND REASONS: Claimant filed a timely request for hearing and is entitled to a hearing on the merits of decision # L0003242136.

² Benefit week 11-24 was the week of March 10, 2024 through March 16, 2024, and the deadline to claim benefits for that week was March 23, 2024, which had not yet passed at the time of these emails. In considering this, and the conclusions of decision # L0003242136, the parties were likely discussing claimant's claim for week 10-24 instead of, or in addition to, week 11-24.

³ The administrative decision involved claimant's alleged failure to timely provide information about her employment history. See EAB Exhibit 1 at 6.

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.

Under OAR 471-040-0005(2)(a) (July 15, 2018), an individual may request a hearing on an administrative decision related to payment of benefits by "mail, fax, e-mail, or other means as designated by [the] Employment Department[.]" A request for hearing may also be filed "[i]n person at any publicly accessible Employment Department office in Oregon." OAR 471-040-0005(2)(b). Use of forms provided by the Department or similar offices for requesting a hearing is not required so long as the individual "expresses a present intent to appeal and it can be determined what issue or decision is being appealed." OAR 471-040-0005(1).

The request for hearing on decision # L0003242136 was due by April 8, 2024. The request for hearing claimant filed on October 1, 2025 was therefore late. However, the record shows that claimant filed an earlier request for hearing prior to the April 8, 2024 deadline that the Department failed to recognize as such.

Decision # L0003242136, issued March 19, 2024, stated that it denied claimant benefits, effective March 3, 2024, for allegedly failing to meet the eligibility requirement of performing "five work seeking activities, two of which must be direct employer contacts." Exhibit 1 at 1. On March 21, 2024, claimant emailed a WorkSource representative whom she had met with earlier in the day. While claimant's initial email is not in the record, the representative's response to it suggests that claimant's email asserted that when filing her claim for week 10-24, she mistakenly entered information about her availability for work and efforts to actively seek work, but believed she had met both eligibility requirements. *See* EAB Exhibit 1 at 5. It is reasonable to infer from the subject matter and timing of claimant's email, sent two days after decision # L0003242136 was issued, that claimant sent the email because she desired to appeal the administrative decision's denial of benefits. The representative's reply email directed claimant to send a Frances Online message disputing the conclusions of decision # L0003242136 to the Department's UI (unemployment insurance) division, claimant replied that she was unable to figure out how to do so, and the representative replied again with further instructions. EAB Exhibit 1 at 5.

OAR 471-040-0005 permits a request for hearing to be filed by email and does not require the use of a specific form, such as those contained within Frances Online. Claimant's March 21, 2024 emails expressed a "present intent to appeal" and sufficiently identified # L0003242136 as the decision being appealed by expressing disagreement with the conclusions of that decision and seeking reversal of the denial of benefits by someone with the authority to do so. Therefore, under the rule, the emails met the criteria to be considered a request for hearing. That claimant could not or did not resubmit her message to the Department through a specific Frances Online form, as directed by the WorkSource representative, does not prevent the message from being considered a request for hearing under the rule. Furthermore, because the March 21, 2024 request for hearing was filed before the April 8, 2024 deadline, it was timely filed. Accordingly, claimant is entitled to a hearing on the merits of decision # L0003242136.

DECISION: Order No. 26-UI-316836 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: March 10, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-316836 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 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.

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