

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0119

Affirmed
Late Requests for Hearing Dismissed Without Prejudice

PROCEDURAL HISTORY AND FINDINGS OF FACT: On October 28, 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 March 22, 2020. On November 3, 2021, the Department served notice of an administrative decision, based in part on the October 28, 2021 PUA determination, concluding that claimant willfully made a misrepresentation and failed to report a material fact to obtain benefits, and assessing a \$14,930 overpayment in combined PUA, Lost Wages Assistance (LWA), and Federal Pandemic Unemployment Compensation (FPUC) benefits that claimant was required to repay to the Department, and a \$2,059.50 monetary penalty. On November 17, 2021 and November 23, 2021, the October 28, 2021 PUA determination and the November 3, 2021 overpayment decision, respectively, became final without claimant having filed a request for hearing on either decision.

On April 29, 2022, claimant filed a late request for hearing on each decision. ALJ Kangas considered the requests, and on August 3, 2022 issued Orders No. 22-UI-199599 and 22-UI-199592, dismissing claimant's requests for hearing on the October 28, 2021 PUA determination and the November 3, 2021 overpayment decision, respectively, as late, subject to claimant's right to renew the requests by responding to an appellant questionnaire by August 17, 2022. On August 23, 2022, Orders No. 22-UI-199599 and 22-UI-199592 became final without claimant having filed an appellant questionnaire response or an application for review with the Employment Appeals Board (EAB). On January 12, 2026, claimant filed a late appellant questionnaire response.¹ ALJ Kangas reviewed the response, and on January 29, 2026 issued Orders No. 26-UI-318602 and 26-UI-318599, cancelling Orders No. 22-UI-199599 and 22-UI-199592, declining to consider claimant's appellant questionnaire response because it was filed late, and re-dismissing the late requests for hearing on the October 28, 2021 PUA

¹ The filing was in the form of a late application for review of Order No. 22-UI-199592 filed with EAB on January 12, 2026, an email claimant sent to EAB the same day, and a related email EAB forwarded to the Office of Administrative Hearings (OAH) the following day. Exhibit 2 at 1-3. These documents contained statements that could be construed as explaining why either the requests for hearing or an appellant questionnaire response, or both, were not timely filed. As such, the filing was treated collectively as a late appellant questionnaire response and forwarded to OAH.

determination and the November 3, 2021 overpayment decision, respectively. On February 4, 2026, claimant filed timely applications for review of Orders No. 26-UI-318602 and 26-UI-318599 with EAB.

EAB combined its review of Orders No. 26-UI-318602 and 26-UI-318599 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2026-EAB-0119 and 2026-EAB-0120).

CONCLUSIONS AND REASONS: Orders No. 26-UI-318602 and 26-UI-318599 are affirmed. Claimant's late requests for hearing are dismissed without prejudice.

On April 29, 2022, claimant filed requests for hearing on the October 28, 2021 PUA determination and the November 3, 2021 overpayment decision. ORS 657.269 required the requests for hearing to be filed no later than November 17, 2021 and November 23, 2021, 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 request for hearing within a reasonable time, claimant may ask EAB to reconsider this decision under OAR 471-041-0145 (May 13, 2019). Claimant must also show that factors or circumstances beyond their reasonable control prevented them from responding to the appellant questionnaire, or otherwise providing the information about why their requests for hearing were filed late to OAH, before Orders No. 22-UI-199599 and 22-UI-199592 became final on August 23, 2022. *See* ORS 657.275(2) and OAR 471-041-0090 (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 April 8, 2026, *and*
2. Claimant must provide additional specific details about the reason they filed their requests for hearing *late*. For example, claimant should include specific information about the date(s) they received the October 28, 2021 PUA determination and the November 3, 2021 overpayment decision, whether they read and disagreed with those administrative decisions, and how they were prevented from filing their requests for hearing by the respective November 17, 2021 and November 23, 2021 deadlines. Claimant should include specific details that might help EAB determine whether they had "good cause," which means factors beyond their reasonable control or an excusable mistake prevented them from filing a timely request for hearing, *and*
3. 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*
4. 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.

5. Claimant must provide information regarding why, prior to Orders No. 22-UI-199599 and 22-UI-199592 becoming final on August 23, 2022, claimant did not respond to the appellant questionnaires or otherwise explain to OAH why the requests for hearing were filed late.

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-318602 and 26-UI-318599 are affirmed. The requests for hearing filed April 29, 2022 are dismissed without prejudice.

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

DATE of Service: March 19, 2026

NOTE: To help meet the requirements of a request for reconsideration, please return the **two** attached questionnaires to EAB by April 8, 2026. One questionnaire is provided for each administrative decision.

APPELLANT QUESTIONNAIRE – OCTOBER 28, 2021 PUA DETERMINATION

Important: Answers must be mailed, faxed, or emailed to EAB by April 8, 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 (appeals).

You need to provide information about the administrative decision issued on October 28, 2021, which concluded that you were ineligible to receive PUA benefits. A hearing request for that decision was due by November 17, 2021. You filed a hearing request (appeal) on April 29, 2022.

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 the October 28, 2021 PUA determination, which concluded that you were ineligible to receive PUA benefits?

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

3. How did you file your hearing request (appeal)?
 Mail Fax Telephone

 Other: _____

4. If you believe you filed your hearing request (appeal) before the November 17, 2021 deadline stated in the October 28, 2021 PUA determination, what evidence do you have to show when you filed your hearing request (attach copies of any documents that will help show this)?

5. If you did not file your hearing request (appeal) before the November 17, 2021 deadline stated in the October 28, 2021 PUA determination, why didn't you?

6. Was there anything you could have done to meet the November 17, 2021 deadline?

7. What prompted you to file your hearing request (appeal) on the day it was filed?

8. If you believe you had "good cause" for filing your hearing request (appeal) late after the November 17, 2021 deadline, please explain why.

9. On August 3, 2022, Order No. 22-UI-199599 was mailed to you, stating that your request for hearing on the October 28, 2021 PUA determination was dismissed because it was filed late, but that you could explain why you filed the request for hearing late by responding to the appellant questionnaire attached to the order by August 17, 2022. Please explain why you did not respond to that appellant questionnaire by the August 17, 2022 deadline, or follow up on your appeal again until January 2026. If you were incarcerated at any time between October 2021 and January 2026, please list the start and end dates for each period of incarceration, explain if and how you were prevented from responding to the appellant questionnaire form while you were incarcerated, and explain any delay in checking the status of your appeal after being released.

APPELLANT QUESTIONNAIRE – NOVEMBER 3, 2021 OVERPAYMENT DECISION

Important: Answers must be mailed, faxed, or emailed to EAB by April 8, 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 (appeals).

You need to provide information about the administrative decision issued on November 3, 2021, which concluded that you must repay an overpayment of \$14,930 and a \$2,059.50 monetary penalty. A hearing request for that decision was due by November 23, 2021. You filed a hearing request (appeal) on April 29, 2022.

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 the November 3, 2021 overpayment decision, which concluded that you must repay an overpayment of \$14,930 and a \$2,059.50 monetary penalty?

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

3. How did you file your hearing request (appeal)?
 Mail Fax Telephone

 Other: _____

4. If you believe you filed your hearing request (appeal) before the November 23, 2021 deadline stated in the November 3, 2021 overpayment decision, what evidence do you have to show when you filed your hearing request (attach copies of any documents that will help show this)?

5. If you did not file your hearing request (appeal) before the November 23, 2021 deadline stated in the November 3, 2021 overpayment decision, why didn't you?

6. Was there anything you could have done to meet the November 23, 2021 deadline?

7. What prompted you to file your hearing request (appeal) on the day it was filed?

8. If you believe you had "good cause" for filing your hearing request (appeal) late after the November 23, 2021 deadline, please explain why.

9. On August 3, 2022, Order No. 22-UI-199592 was mailed to you, stating that your request for hearing on the November 3, 2021 overpayment decision was dismissed because it was filed late, but that you could explain why you filed the request for hearing late by responding to the appellant questionnaire attached to the order by August 17, 2022. Please explain why you did not respond to that appellant questionnaire in August 2022, or follow up on your appeal again until January 2026. If you were incarcerated at any time between October 2021 and January 2026, please list the start and end dates for each period of incarceration, and explain any delay in checking the status of your appeal after being released.

I understand that my request for reconsideration is subject to dismissal unless it is filed by April 8, 2026.

I filed my request for reconsideration on: _____.

Important: Answers must be mailed, faxed, or emailed to EAB by April 8, 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

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

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.