

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0133

Reversed & Remanded

PROCEDURAL HISTORY AND FINDINGS OF FACT: On May 22, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not available for work and was therefore denied unemployment insurance benefits beginning the week of February 16 through 22, 2025 (week 08-25) (decision # L0010836046). Also on May 22, 2025, the Department served notice of an administrative decision concluding that claimant was not actively seeking work, and was therefore denied benefits beginning week 08-25 (decision # L0010916386). On June 11, 2025, decisions # L0010836046 and L0010916386 became final without claimant having filed requests for hearing. On November 12, 2025, claimant filed late requests for hearing on decisions # L0010836046 and L0010916386.

ALJ Kangas considered claimant's requests, and, on January 30, 2026, issued Orders No. 26-UI-318668 and 26-UI-318670, respectively dismissing claimant's requests for hearing on decisions # L0010836046 and L0010916386 as late, subject to claimant's right to renew the requests by responding to an appellant questionnaire by February 13, 2026. On February 9, 2026, claimant filed applications for review of Orders No. 26-UI-318668 and 26-UI-318670 and an appellant questionnaire response with the Employment Appeals Board (EAB).

EAB combined its review of Orders No. 26-UI-318668 and 26-UI-318670 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2026-EAB-0132 and 2026-EAB-0133).

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 appellant questionnaire response,¹ 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

¹ Claimant submitted their appellant questionnaire response by filling out EAB's late application for review webform. Though that webform calls for information regarding why a party's appeal of an ALJ order was late, it is understood that claimant intended their answers to relate to their late filing of hearing requests on decisions # L0010836046 and L0010916386.

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-318668 and 26-UI-318670 are reversed and the matters remanded for hearings on whether claimant’s late requests for hearing on decisions # L0010836046 and L0010916386 should be allowed and, if so, the merits of those decisions.

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.

The deadline to file requests for hearing on decisions # L0010836046 and L0010916386 was June 11, 2025. Because claimant did not file their requests for hearing until November 12, 2025, the requests for hearing were late.

In claimant’s appellant questionnaire response, claimant stated that they filed their hearing requests late because they did not see the administrative decisions, was unaware of them, that the decisions were issued when claimant was back to work and not claiming, and that the circumstances preventing a timely filing of the hearing requests ended on October 13, 2025. EAB Exhibit 1 at 1. Remand is warranted to develop the record to determine whether claimant’s late requests for hearing should be allowed.

On remand, the ALJ should develop the record to determine whether claimant established good cause to extend the deadline to appeal decisions # L0010836046 and L0010916386 and whether they filed their hearing requests within a reasonable time. To this end, the ALJ should ask claimant when they received decisions # L0010836046 and L0010916386, whether they read and disagreed with the decisions, and why they did not request hearings on the decisions until November 12, 2025. The ALJ should inquire whether a factor beyond claimant’s reasonable control or an excusable mistake prevented them from filing hearing requests by the June 11, 2025 deadline. If the record on remand shows claimant had good cause to extend the deadline to file because of factors beyond their reasonable control or an excusable mistake, the ALJ should ask questions to determine when such circumstances ended, and whether claimant filed their hearing requests within a seven-day “reasonable time” of when the circumstances ended. To this end, the ALJ should ask claimant to confirm that the circumstances preventing a timely filing ended on October 13, 2025, and, if the circumstances did in fact end on that day, why claimant waited until November 12, 2025 to file their hearing requests.

Orders No. 26-UI-318668 and 26-UI-318670 are reversed and the matters remanded for hearings on whether claimant’s late requests for hearing on decisions # L0010836046 and L0010916386 should be allowed and, if so, the merits of decisions # L0010836046 and L0010916386.

DECISION: Orders No. 26-UI-318668 and 26-UI-318670 are set aside, and these matters remanded for further proceedings consistent with this order.

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

DATE of Service: March 20, 2026

NOTE: The failure of any party to appear at the hearings on remand will not reinstate Orders No. 26-UI-318668 and 26-UI-318670 or return these matters to EAB. Only timely applications for review of the orders mailed to the parties after the remand hearings will return these matters 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 بمحكمة 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 دستورالعمل 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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