

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0137**

*Reversed*  
*Late Request to Reopen Allowed*  
*Late Request for Hearing Allowed*  
*Merits Hearing Required*

**PROCEDURAL HISTORY:** On March 29, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not verify his identity following the Department's rules and was therefore ineligible for unemployment insurance benefits beginning March 28, 2024 (decision # L0003359690). On April 18, 2024, decision # L0003359690 became final without claimant having filed a request for hearing for decision # L0003359690.

On April 15, 2024, the Department served notice of an administrative decision concluding that claimant did not verify his identity following the Department's rules and was ineligible for benefits beginning April 12, 2024 (decision # L0003590645).

On April 19, 2024, claimant filed a request for hearing. The Department and the Office of Administrative Hearings (OAH) regarded the April 19, 2024 hearing request as both a late request for hearing on decision # L0003359690, and a timely request for hearing on decision # L0003590645.<sup>1</sup>

ALJ Kangas considered claimant's late request for hearing on decision # L0003359690, and on May 28, 2024, issued Order No. 24-UI-255130, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by June 11, 2024. On June 7, 2024, claimant filed a timely appellant questionnaire response. On July 30, 2024, OAH mailed a letter stating that Order No. 24-UI-255130 was vacated and that a hearing would be scheduled to

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<sup>1</sup> As to the timely request for hearing on decision # L0003590645, ALJ Christon conducted a hearing on August 22, 2024, and on August 30, 2024, issued Order No. 24-UI-264449, modifying decision # L0003590645 by concluding that claimant had failed to verify his identity and was therefore not eligible for benefits. On September 16, 2024, claimant filed an application for review of Order No. 24-UI-264449 with the Employment Appeals Board (EAB). On October 8, 2024, EAB issued EAB Decision 2024-EAB-0654, reversing Order No. 24-UI-264449 by concluding that claimant was eligible for benefits for the week of August 18 through 24, 2024.

determine whether claimant's late request for hearing on decision # L0003359690 should be allowed and, if so, the merits of that decision.

On August 30, 2024, OAH served notice of a hearing scheduled for September 16, 2024. On September 16, 2024, claimant failed to appear at the hearing, and ALJ Christon issued Order No. 24-UI-266263, dismissing claimant's request for hearing based on his failure to appear. On October 7, 2024, Order No. 24-UI-266263 became final without claimant having filed a request to reopen the September 16, 2024 hearing.

On October 13, 2025, claimant filed a late request to reopen the September 16, 2024 hearing. ALJ Kangas considered claimant's request, and on January 14, 2026, issued Order No. 26-UI-316942, denying the late request to reopen and leaving Order No. 24-UI-266263 undisturbed. On February 2, 2026, claimant filed an application for review of Order No. 26-UI-316942 with EAB.

**WRITTEN ARGUMENT:** Claimant submitted two written arguments, one with his February 2, 2026 application for review and another on March 3, 2026. EAB considered claimant's written arguments and, as discussed below, considered the information contained within the arguments as additional evidence.

**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 information contained in claimant's February 2 and March 3, 2026 written arguments. The information contained in the arguments is relevant and material to EAB's determination in this matter and, as there has been no hearing on claimant's request for hearing on decision # L0003359690, circumstances beyond claimant's reasonable control prevented him from previously offering the information. The February 2 and March 3, 2026 written arguments have been marked as EAB Exhibit 1 and EAB Exhibit 2, respectively, and are 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 exhibits will remain in the record.

**FINDINGS OF FACT:** (1) Decision # L0003359690, issued on March 29, 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 18, 2024.**" DR Exhibit 1 at 2 (emphasis in original).

(2) Claimant was not aware of the existence of decision # L0003359690 when it was issued.

(3) On April 15, 2024, the Department issued decision # L0003590645. Both decision # L0003359690 and decision # L0003590645 related to the same issue: that claimant had failed to provide identity verification information in accordance with the Department's rules and was therefore ineligible for benefits. Decision # L0003359690 began the period of ineligibility on March 28, 2024, while decision # L0003590645 began the period of ineligibility April 12, 2024.

(4) On April 18, 2024, decision # L0003359690 became final without claimant having filed a request for hearing.

(5) On April 19, 2024, claimant filed a request for hearing. Claimant was not aware of decision # L0003359690 at the time, and on his hearing request form, referenced decision # L0003590645 by writing “Admin # L0003590645 Date: 4/15/24[.]” DR Exhibit 2 at 5. Nevertheless, the Department and OAH regarded the April 19, 2024 hearing request as both a late request for hearing on decision # L0003359690 and a timely request for hearing on decision # L0003590645.

(6) On May 28, 2024, ALJ Kangas issued Order No. 24-UI-255130, dismissing claimant’s late request for hearing on decision # L0003359690, subject to claimant renewing the request by responding to an appellant questionnaire by June 11, 2024. On June 7, 2024, claimant filed a timely appellant questionnaire response. Because at the point claimant was provided the questionnaire, OAH had not yet taken any action on claimant’s request for hearing on decision # L0003590645, claimant likely mistakenly believed that he had to answer the questionnaire to receive a hearing on decision # L0003590645, and that the questionnaire called for answers regarding that administrative decision, rather than pertaining to decision # L0003359690. Thereafter, OAH mailed a letter stating that Order No. 24-UI-255130 was vacated and that a hearing would be scheduled to determine whether claimant’s late request for hearing on decision # L0003359690 should be allowed and, if so, the merits of that decision.

(7) On June 26, 2024, OAH served notice of a hearing on decision # L0003590645 scheduled for August 22, 2024. On August 22, 2024, ALJ Christon conducted a hearing on decision # L0003590645. On August 30, 2024, ALJ Christon issued a hearing order modifying decision # L0003590645 by concluding that claimant had failed to verify his identity and was not eligible for benefits.

(8) Also on August 30, 2024, OAH served notice of a hearing scheduled for September 16, 2024 on the late request for hearing on decision # L0003359690 and, if allowed, the merits of that decision. The hearing notice stated that ALJ Christon, the same ALJ who had just conducted the August 22, 2024 hearing on the appeal of decision # L0003590645, would preside over the hearing. When claimant received the notice advising of the September 16, 2024 hearing, he mistakenly thought it pertained to his appeal of decision # L0003590645 and “did not . . . understand why [he] was scheduled to have a hearing again with Judge Christon[.]” Exhibit 5 at 1. Claimant concluded that he had received the hearing notice scheduling a hearing on September 16, 2024 in error.

(9) On September 16, 2024, claimant filed an application for review with EAB of ALJ Christon’s August 30, 2024 hearing order in the appeal of decision # L0003590645.

(10) Also on September 16, 2024, claimant failed to appear for the hearing on the late appeal of decision # L0003359690 because claimant thought the hearing notice scheduling a hearing on that date was an error. On September 16, 2024, ALJ Christon issued Order No. 24-UI-266263 dismissing claimant’s request for hearing on decision # L0003359690 based on his failure to appear. Order No. 24-UI-266263 stated, in relevant part:

If you did not appear at the hearing, you may request to reopen the hearing. These requests are governed by OAR 471-040-0040 and 471-040-0041 and should be filed with the Office of Administrative Hearings. Your request to reopen the hearing must: 1) be in writing; 2) show good cause for failing to appear at the hearing; “Good cause” exists when an action, delay, or failure to act arises from an excusable mistake or from factors

beyond an applicant's reasonable control; and 3) either be filed within 20 days of when the order from the hearing you missed was mailed, or else show good cause to extend the period to request reopening of your case, and show that you filed your reopen request within seven days of when those factors or circumstances ceased to exist.

Order No. 24-UI-266263 at 2. On October 7, 2024, Order No. 24-UI-266263 became final without claimant having filed a request to reopen the September 16, 2024 hearing.

(11) Pursuant to claimant's September 16, 2024 application for review, EAB reviewed the hearing order in the appeal of decision # L0003590645. On October 8, 2024, EAB issued EAB Decision 2024-EAB-0654, reversing the hearing order by concluding that claimant was eligible for benefits for the week of August 18 through 24, 2024.

(12) Claimant was a school bus driver who was eligible to receive benefits during school break periods despite his status as a school employee, so long as other eligibility criteria were met. In early June 2025, claimant went on summer break from work and began filing weekly claims for benefits. EAB Exhibit 2 at 4.

(13) On June 16, 2025, claimant went to a WorkSource office. While there, claimant believed he verified his identity with a WorkSource representative. EAB Exhibit 2 at 4. On August 5, 2025, claimant returned to the WorkSource office and during the visit, claimant believed he verified his identity a second time. EAB Exhibit 2 at 4-5.

(14) Claimant claimed and was denied benefits for a non-continuous group of weeks from late June 2025 through early August 2025. Beginning in late August 2025, claimant used his Frances Online account to communicate with the Department about the weeks of benefits he had been denied, and to seek an avenue through which to appeal the denial of those weeks. *See* EAB Exhibit 1 at 5-9. These communications caused claimant to contact OAH seeking a pathway to appeal the denial of the weeks of benefits.

(15) In its communications with claimant, the Department never explained why it issued two administrative decisions relating to the same failure to provide identity verification issue. Nor did it ever explain why EAB Decision 2024-EAB-0654, which, in the appeal of decision # L0003590645 concluded that claimant was eligible for benefits for the week of August 18 through 24, 2024, was not sufficient to establish that claimant had satisfied the identity verification requirement.

(16) On October 9, 2025, an OAH representative contacted claimant and provided instructions for how to file a late request to reopen the September 16, 2024 hearing on the late appeal of decision # L0003359690. Exhibit 5 at 1. On October 13, 2025, claimant filed a late request to reopen the September 16, 2024 hearing.

(17) On November 26, 2025, the Department, through a communication with claimant via Frances Online, made clear that it regarded the denied benefits for the group of weeks from late June 2025 through early August 2025 as tied to the failure to provide identity verification issue reflected in decision # L0003359690, and that receiving a hearing on the merits of decision # L0003359690 was the only way for claimant to appeal those denied weeks. *See* EAB Exhibit 1 at 9; EAB Exhibit 2 at 5-6.

**CONCLUSIONS AND REASONS:** Order No. 26-UI-316942 is reversed. Claimant’s late request to reopen the September 16, 2024 hearing is allowed. Claimant’s late request for hearing on decision # L0003359690 is allowed, and this matter is remanded for a hearing on the merits of the decision # L0003359690.

**Late Request to Reopen.** ORS 657.270(5) states that any party who failed to appear at a hearing may request to reopen the hearing, and the request will be allowed if it was filed within 20 days of the date the hearing decision was issued and shows good cause for failing to appear. The period within which a party may request reopening may be extended if the party has good cause for failing to request reopening within the time allowed, and acts within a reasonable time. OAR 471-040-0041(1) (February 10, 2012). “Good cause” exists when an action, delay, or failure to act arises from an excusable mistake or from factors beyond an applicant’s reasonable control. OAR 471-040-0041(2). “A reasonable time,” is seven days after the circumstances that prevented a timely filing ended. OAR 471-040-0041(3). The party requesting reopening must state the reason(s) for filing a late request to reopen in a written statement, which OAH shall consider in determining whether good cause exists for the late filing, and whether the party acted within a reasonable time. OAR 471-040-0041(4).

The deadline to file a request to reopen the September 16, 2024 hearing was October 7, 2024. Because claimant did not file his request to reopen until October 13, 2025, the request was late.

Claimant established good cause to extend the period to file a reopen request because claimant’s failure to file a reopen request until October 13, 2025 arose from an excusable mistake. When claimant received the August 30, 2024 hearing notice advising of the September 16, 2024 hearing on decision # L0003359690 to be presided over by ALJ Christon, he mistakenly thought it pertained to his appeal of decision # L0003590645 and “did not . . . understand why [he] was scheduled to have a hearing again with Judge Christon[.]” Exhibit 5 at 1. Claimant concluded that the notice scheduling a hearing on September 16, 2024 was sent in error and decided not to attend the hearing.

Claimant’s mistaken belief that the hearing notice was sent in error and that he could forego the September 16, 2024 hearing was reasonable and therefore was an excusable mistake. This is because decisions # L0003359690 and L0003590645 related to the same issue; claimant was not aware of the existence of decision # L0003359690 when he filed his April 19, 2024 hearing request and likely mistakenly believed that he had to respond to the appellant questionnaire in that appeal to receive a hearing on decision # L0003590645; and claimant had recently attended a hearing on decision # L0003590645 presided over by ALJ Christon, which would logically lead him to suspect that the September 16, 2024 hearing, also to be presided over by ALJ Christon, was a glitch or a duplicate sent in error.

Claimant’s reasonable mistaken belief that the September 16, 2024 hearing was an error persisted thereafter. On the same day as the hearing, September 16, 2024, ALJ Christon issued Order No. 24-UI-266263 dismissing claimant’s request for hearing on decision # L0003359690 based on his failure to appear. Claimant presumably received Order No. 24-UI-266263 shortly after it was issued. However, claimant would reasonably have concluded that it, like the hearing notice, was a glitch or a duplicate sent in error since he had received an August 30, 2024 hearing order in his appeal of decision # L0003590645 that denied benefits, and had applied for review of that hearing order with EAB on the same day as the September 16, 2024 hearing. From there, claimant’s reasonable mistaken belief was not

cured. On October 8, 2024, EAB issued EAB Decision 2024-EAB-0654, reversing the August 30, 2024 hearing order in claimant's appeal of decision # L0003590645 by concluding that claimant was eligible for benefits for the only week claimed over which the ALJ took jurisdiction in that matter. Receiving the favorable EAB decision in the appeal of decision # L0003590645 would have given claimant no reason to question his earlier mistaken conclusion that the September 16, 2024 hearing in the appeal of decision # L0003359690 had been scheduled in error and that he remained unaffected by that administrative decision and subsequent order dismissing the appeal.

Approximately 10 months later, claimant, still operating under his reasonable mistaken belief, went on summer break from work and then claimed and was denied benefits for a non-continuous group of weeks from late June 2025 through early August 2025. Beginning in late August 2025, claimant used his Frances Online account to communicate with the Department about the weeks of benefits he had been denied, and seeking an avenue through which to appeal the denial of those weeks. This caused claimant to contact OAH seeking a pathway to appeal the denial of the weeks of benefits from late June 2025 through early August 2025.

On October 9, 2025, an OAH representative contacted claimant and provided instructions for how to file a late request to reopen the September 16, 2024 hearing on the late appeal of decision # L0003359690. On that date, claimant was cured of his excusable mistake and the circumstances that prevented claimant from timely filing a reopen request ended. Within seven days, October 13, 2025, claimant filed his late request to reopen the September 16, 2024 hearing. This was within a seven-day reasonable time after the circumstances that prevented a timely filing ended. Claimant thus established good cause for filing his request to reopen late and filed the request within a reasonable time after the factor that prevented timely filing ended. Claimant also showed good cause for missing the hearing. The late request to reopen is therefore allowed.

**Late Request for Hearing.** 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 a request for hearing on decision # L0003359690 was April 18, 2024. Because claimant did not file his request for hearing on the decision until April 19, 2024, the hearing request was late.

Claimant established good cause to extend the deadline to request a hearing on decision # L0003359690. Claimant was not aware that the administrative decision existed when it was issued or when he filed his April 19, 2024 hearing request. *See* Exhibit 5 at 1 ("I did not and do not understand why I was scheduled to have a hearing again with Judge Christon for September 16, 2024, since I had just had one with her on August 22 . . . I now see that it was regarding an Administrative Decision dated March 29, 2024, which I was not and am not familiar with."). This is bolstered by the fact that claimant wrote on his hearing request form "Admin # L0003590645 Date: 4/15/24", suggesting he was aware of the administrative decision he specified, decision # L0003590645, but was oblivious of the other, decision # L0003359690. DR Exhibit 2 at 5. Further, though claimant submitted a June 7, 2024 appellant questionnaire response

ostensibly offered to explain why he filed the hearing request on decision # L0003359690 late, claimant likely had decision # L0003590645 in mind when answering the questions. This likely was the case because at the point claimant was provided the questionnaire enclosed with Order No. 24-UI-255130, OAH had not yet taken any action on his request for hearing on decision # L0003590645, and so claimant may have mistakenly believed that he had to answer the questionnaire to receive a hearing on decision # L0003590645, and that the questionnaire called for answers regarding that administrative decision.

Accordingly, a factor beyond claimant's reasonable control or an excusable mistake, the fact that claimant was not aware of the existence of decision # L0003359690, prevented claimant from filing timely on April 18, 2024. Given that claimant was still operating under these circumstances when the Department and OAH treated his April 19, 2024 hearing request as both a late request for hearing on decision # L0003359690 and a timely request for hearing on decision # L0003590645, the late request for hearing was filed within a reasonable time. For these reasons, claimant's late request for hearing on decision # L0003359690 is allowed and claimant is entitled to a hearing on the merits of decision # L0003359690.

Decision # L0003359690 was issued in 2024 and had the effect of concluding that claimant was ineligible for benefits beginning March 28, 2024. Though this may seem remote in time, and of uncertain validity given that EAB Decision 2024-EAB-0654 in claimant's appeal of decision # L0003590645 concluded that claimant was eligible for benefits for the week of August 18 through 24, 2024, for purposes of the remand hearing, the Department regards claimant's denied benefits for the group of weeks from late June 2025 through early August 2025 as tied to the failure to provide identity verification issue reflected in decision # L0003359690. As a practical matter, it may be useful on remand to focus questioning on the occasions in June and August 2025 when claimant visited a WorkSource office and believed he verified his identity.

**DECISION:** Order No. 26-UI-316942 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 20, 2026

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-316942 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 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**  
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