

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0140

*Late Request for Hearing
Reversed & Remanded*

PROCEDURAL HISTORY AND FINDINGS OF FACT: On July 15, 2025 the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide information as requested by the Department and therefore was ineligible to receive unemployment insurance benefits for the week of June 1 to June 7, 2025 (decision # L0011894809). On August 4, 2025, decision # L0011894809 became final without claimant having filed a request for hearing. On September 26, 2025, claimant filed a late request for hearing. ALJ Kangas considered the request, and on November 10, 2025 issued Order No. 25-UI-310085, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by November 24, 2025 or file an application of review to EAB by December 1, 2025. On November 28, 2025, claimant filed an appellant questionnaire response that was late to OAH, but timely to EAB. On January 28, 2026, ALJ Kangas issued a Final Order of Dismissal, Order No. 26-UI-318287, concluding that claimant's appellant questionnaire response was late and would not be considered, cancelling Order No. 25-UI-310085 and re-dismissing claimant's late request for hearing on decision # L0011894809. On February 10, 2025, claimant filed an application for review of Order No. 26-UI-318287 with the Employment Appeals Board (EAB).

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 November 28, 2025 response to the appellate questionnaire which was timely to EAB, 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.

WRITTEN ARGUMENT: Claimant's argument contained information that was not part of the record and did not show that factors or circumstances beyond claimant's reasonable control prevented them from offering the information in their appellant questionnaire response. Additionally, EAB did not consider parts of claimant's argument because it was not relevant and material to EAB's determination

of whether claimant filed a late request for hearing with good cause and in a reasonable time. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), and with the exception of EAB Exhibit 1 as discussed in greater detail above, EAB considered only information received into evidence in the record.

CONCLUSIONS AND REASONS: Order No. 26-UI-318287 is set aside and the matter remanded for a hearing to determine whether claimant’s late request for hearing should be allowed and, if so, the merits of decision # L0011894809.

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 request for hearing on decision # L0011894809 was due by August 4, 2025. Claimant’s request for hearing was filed on September 26, 2025, and was therefore late. Claimant wrote in their response to the Appellant Questionnaire that they did not receive decision # L0011894809 until September 2, 2025, which was after the August 4, 2025 due date. EAB Exhibit 1 at 1. Claimant also indicated that they were having difficulty with their Frances online account, such that they “had to delet[e] my account and make a new one. they finaly (sic) got my account working on October 29th.” EAB Exhibit 1 at 2. Claimant also stated, “I file[d] as soon as I found out that unemployment denied my week of benefits (sic).” EAB Exhibit 1 at 2.

If claimant filed their request for hearing late due to not having timely received decision # L0011894809 in the mail or because they were having difficulties with their Frances online account, claimant may have failed to file a timely request for hearing due to factors beyond their control. Moreover, claimant states that “as soon” as they found out they were denied benefits they filed their request for hearing. EAB Exhibit 1 at 2. If claimant was delayed in filing the request for hearing because they were delayed in receiving a copy of decision # L0011894809 or because of difficulty with their Frances online account, they might have filed the request late due to an excusable mistake. Further development of the record is warranted to determine whether claimant’s late request for hearing should be allowed.

On remand, the ALJ should inquire as to when claimant first received a copy of decision # L0011894809 and learned of their appeal rights and how to appeal decision # L0011894809. Specifically, claimant stated in their appellant questionnaire response that they received the decision on September 2, 2025 but the record shows they did not file the request for hearing until September 26, 2025. Further inquiry should be made as to what efforts claimant made to file the request for hearing once they learned of their appeal rights; what ultimately led them to file the request when they did; and any other necessary inquiry to determine whether claimant filed within a “reasonable time” after the factors that prevented timely filing ended.

For these reasons, Order No. 26-UI-318287 is set aside and the matter remanded for a hearing to determine whether claimant’s late request for hearing should be allowed and, if so, the merits of decision # L0011894809.

DECISION: Order No. 26-UI-318287 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 16, 2026

NOTE: You may appeal this decision by filing a Petition for Judicial Review with the Oregon Court of Appeals **within 30 days of the date of service stated above**. See ORS 657.282. For forms and information, visit <https://www.courts.oregon.gov/courts/appellate/forms/Pages/appeal.aspx> and choose the appropriate form under “File a Petition for Judicial Review.” You may also contact the Court of Appeals by telephone at (503) 986-5555, by fax at (503) 986-5560, or by mail at 1163 State Street, Salem, Oregon 97301.

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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، می توانید 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

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