

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0146

Late Application for Review Dismissed

PROCEDURAL HISTORY: On April 8, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged, but not for misconduct, and therefore was not disqualified from receiving unemployment insurance benefits based on the work separation (decision # L0010157931). The employer filed a timely request for hearing.¹ On May 21, 2025 and continued to June 9, 2025, ALJ Griffith conducted a hearing, and on June 13, 2025, issued Order No. 25-UI-294958, reversing decision # L0010157931 by concluding that claimant voluntarily quit work without good cause, and therefore was disqualified from receiving benefits effective June 23, 2024. On July 3, 2025, Order No. 25-UI-294958 became final without claimant having filed an application for review with the Employment Appeals Board (EAB). On February 12, 2026, claimant filed a late application for review of Order No. 25-UI-294958 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 consists of claimant's nine-page written argument, which includes an explanation for why she filed her application for review late. This evidence 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 also included with her written argument several documents, most of which contained information that was not part of the hearing record. Claimant did not show that factors or circumstances beyond her reasonable control prevented her from offering the information during the hearing. Furthermore, that information is not relevant and material to EAB's determination of whether her late application for review should be allowed, as it only addresses the merits of Order No.

¹ Claimant repeatedly asserted in her written argument, as she did at hearing, that the employer did not file a timely request for hearing. *See, e.g.,* EAB Exhibit 1 at 2. Claimant should note, however, that the underlying administrative decision from which this matter proceeded is decision # L0010157931, which the Department issued on April 8, 2025. The employer filed their request for hearing on that decision on April 19, 2025, which was within the 20-day period required under ORS 657.269. Therefore, the employer's request for hearing was timely.

25-UI-294958. ORS 657.275(2) and OAR 471-041-0090(1)(b)(A). Under ORS 657.275(2) and OAR 471-041-0090, and with the exception of EAB Exhibit 1, above, EAB considered only information received into evidence at the hearing. EAB considered any parts of claimant’s argument that were based on the hearing record and relevant and material to the determination of whether her late application for review should be allowed.

FINDING OF FACT: (1) Order No. 25-UI-294958, mailed to claimant on June 13, 2025, stated, “You may appeal this decision by filing the attached form Application for Review with the Employment Appeals Board within 20 days of the date that this decision is mailed.” Order No. 25-UI-294958 at 5. Order No. 25-UI-294958 also stated on its Certificate of Mailing, “Any appeal from this Order must be filed on or before July 3, 2025 to be timely.”

CONCLUSIONS AND REASONS: Claimant’s late application for review of Order No. 25-UI-294958 is dismissed.

An application for review is timely if it is filed within 20 days of the date that the Office of Administrative Hearings (OAH) mailed the order for which review is sought. ORS 657.270(6); OAR 471-041-0070(1) (May 13, 2019). The 20-day filing period may be extended a “reasonable time” upon a showing of “good cause.” ORS 657.875; OAR 471-041-0070(2). “Good cause” means that factors or circumstances beyond the applicant’s reasonable control prevented timely filing. OAR 471-041-0070(2)(a). A “reasonable time” is seven days after the circumstances that prevented the timely filing ended. OAR 471-041-0070(2)(b). A late application for review will be dismissed unless it includes a written statement describing the circumstances that prevented a timely filing. OAR 471-041-0070(3).

“An application for review may be filed on forms provided by OAH or the Employment Department and other similar offices in other states. Use of the form is not required, provided the applicant requests review of a specific ALJ Order, or otherwise expresses intent to appeal an ALJ Order.” OAR 471-041-0060(1) (May 13, 2019). “An application for review may be filed in person, or by mail, fax, or electronic means to EAB, or any office of the Employment Department, including OAH[.]” OAR 471-041-0060(2).

The application for review of Order No. 25-UI-294958 was due by July 3, 2025. Because claimant did not file her application for review until February 12, 2026, the application for review was late. In her written argument, claimant asserted several reasons for the late filing: an attempt to find an attorney to represent her, financial difficulties resulting from the work separation, a long commute to a new job, long hours at the new job, and full-time school attendance. EAB Exhibit 1 at 1, 2. Claimant has not shown that any or all of these were factors or circumstances beyond her control which prevented a timely filing of her application for review.

To the extent that claimant was waiting to file her application for review until she was able to obtain legal representation, this was not a factor or circumstance beyond her reasonable control. While the desire to seek counsel in the matter is understandable, representation by an attorney is not required in these proceedings, and claimant was free to file an application for review without representation. Furthermore, OAR 471-041-0060(1) requires little of a party wishing to appeal an ALJ’s order. It does not, for instance, require any preparation or presentation of one’s case. Instead, it only requires that the party request review of a specific order, or otherwise express an intent to appeal said order.

Similarly, the various life circumstances which limited claimant's time, such as a long commute and long working hours, did not constitute factors or circumstances beyond claimant's reasonable control which prevented her from timely filing the application for review. Because OAR 471-041-0060 contains so few requirements of a party wishing to appeal an ALJ's order, the time that it takes to submit an application for review is minimal. Furthermore, because OAR 471-041-0060(2) permits filing by electronic means, claimant could have filed the application for review using any computer or mobile device, simply by completing a short online form.² Despite the various challenges that claimant was facing at the time, claimant has not shown that they were so onerous that they prevented her from completing that form until more than seven months after the timely filing deadline had passed.

In sum, claimant did not show that she was prevented from filing a timely application for review due to factors or circumstances beyond her reasonable control. Accordingly, claimant did not show good cause for the late application for review, and claimant's late application for review is dismissed.

DECISION: The application for review filed February 12, 2026 is dismissed. Order No. 25-UI-294958 remains undisturbed.

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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² See <https://secure.emp.state.or.us/eab/forms/index.cfm?action=af>



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

ទោរទោស – តម្រូវការនេះមិនមែនជាភារកិច្ចរបស់អ្នកទេ វាគឺជាភារកិច្ចរបស់អ្នកដទៃទៀត។ បើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

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.

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 Email: appealsboard@employ.oregon.gov
 Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

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