

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0206

Reversed & Remanded

PROCEDURAL HISTORY AND FINDINGS OF FACT: On December 5, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not available for work for the week of November 23 through 29, 2025 (week 48-25), and therefore was ineligible for unemployment insurance benefits for that week (decision # L0014515994). On December 26, 2025, decision # L0014515994 became final without claimant having filed a request for hearing. On December 30, 2025, claimant filed a late request for hearing on decision # L0014515994.

ALJ Kangas considered claimant's request, and on February 25, 2026 issued Order No. 26-UI-321420, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by March 11, 2026. On March 3, 2026, claimant filed a timely response to the appellant questionnaire and a timely application for review of Order No. 26-UI-321420 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 is claimant's response to the appellant questionnaire, 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.

CONCLUSIONS AND REASONS: Order No. 26-UI-321420 is set aside and this matter remanded for a hearing on whether claimant's late request for hearing on decision # L0014515994 should be allowed and, if so, the merits of that decision.

ORS 657.269 provides 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 provides that the 20-day deadline may be extended a "reasonable time" upon a showing of "good cause." OAR 471-040-0010

(February 10, 2012) provides 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 ceased to exist.

The request for hearing on decision # L0014515994 was due by December 26, 2025. Because claimant did not file their request for hearing until December 30, 2025, the request was late. On their response to the appellant questionnaire, claimant indicated that they received decision # L0014515994 on December 5, 2025. EAB Exhibit 1 at 1. However, claimant further explained in an attachment to the questionnaire response that they had visited a WorkSource Oregon office on December 1, 2025, filled out a questionnaire stating that they were not outside of their labor market for the week at issue in decision # L0014515994,¹ and that they then waited until December 30, 2025 because they were “told to give [the Department] 2-4 weeks to answer because [they] were backlogged.” EAB Exhibit 1 at 3. In response to the question asking whether there was anything claimant could have done to meet the appeal deadline, claimant stated, “I wish the directions were clearer for me to understand. That’s why I have to keep going to Worksource so they can translate.” EAB Exhibit 1 at 2. Similarly, claimant noted that they “truely [*sic*] didn’t understand there was a due date.” EAB Exhibit 1 at 2.

Despite the fact that claimant apparently received decision # L0014515994 on the day that it was issued, claimant’s above statements suggest that they may have failed to file a timely request for hearing due to an excusable mistake. On remand, the ALJ should first confirm when claimant received decision # L0014515994; whether they read it thoroughly, including any sections containing information about their right to appeal it; and, if so, what, if anything, prevented claimant from filing a request for hearing shortly after they read through the administrative decision. The ALJ should also inquire as to precisely what WorkSource Oregon staff advised claimant, including during any other contacts that claimant made with them between December 1, 2025 and when claimant filed their request for hearing on December 30, 2025 and whether claimant attempted to file a request for hearing through the WorkSource office by seeking guidance and expressing disagreement with the decision at issue. The ALJ should also develop more detail about what claimant meant by having WorkSource translate (such as whether there was any language barrier or otherwise relying on a WorkSource employee to help them understand the decision and their appeal rights).

Finally, in response to the question, “What is your reason for appealing?”, claimant stated on their request for hearing, “Accidentally submitted that that I was ‘away from residence for over 3 days’ which is not accurate. I submitted 2 letters and attempted to call with no response.” Exhibit 2 at 4. Similarly, claimant stated in the statement enclosed with their questionnaire response that they had sent a message to the Department via Frances Online on December 6 indicating that claimant “didn’t go anywhere.” EAB Exhibit 1 at 3. On remand, the ALJ should inquire as to when claimant submitted the first two letters; and what the letters and the Frances message said, so as to determine whether any of these three submissions could constitute an earlier request for hearing.

Order No. 26-UI-321420 therefore is reversed, and this matter remanded for a hearing on whether claimant’s late request for hearing should be allowed and, if so, the merits of decision # L0014515994.

¹ Decision # L0014515994 found that claimant was not available for work during the week at issue on the basis that claimant was allegedly outside of their labor market during that week. Exhibit 1 at 1.

DECISION: Order No. 26-UI-321420 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: April 3, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-321420 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.

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