

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0215**

*Late Application for Review Dismissed Without Prejudice*

**PROCEDURAL HISTORY AND FINDINGS OF FACT:** On October 31, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged for a disqualifying act under the Department’s drug, cannabis, and alcohol adjudication policy, and therefore was disqualified from receiving unemployment insurance benefits effective September 28, 2025 (decision # L0013743914).<sup>1</sup> Claimant filed a timely request for hearing. On February 2, 2026, ALJ Monroe conducted a hearing, and on February 10, 2026 issued Order No. 26-UI-319880, affirming decision # L0013743914. On March 2, 2026, Order No. 26-UI-319880 became final without claimant having filed an application for review with the Employment Appeals Board (EAB). On March 3, 2026, claimant filed a late application for review 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 is claimant’s written statement submitted with his application for review. The written statement is marked as EAB Exhibit 1, and a copy provided to the parties with this decision. Any party that objects to our admitting EAB Exhibit 1 must send the objection to EAB in writing, explaining the basis of the objection in writing, within ten days of our mailing this decision. OAR 471-041-0090(2). Unless such objection is received and sustained, the exhibit will remain in the record.

**CONCLUSIONS AND REASONS:** The application for review is dismissed without prejudice.

On March 3, 2026, claimant filed an application for review of Order No. 26-UI-319880 with EAB. ORS 657.270(6) and ORS 657.270(7)(b) required the application for review to be filed no later than March 2, 2026. Claimant’s application for review is therefore late, and this application for review is dismissed.

The deadline for filing an application for review may be extended a reasonable time if the applicant can show they have good cause to extend the deadline. *See* ORS 657.875; OAR 471-041-0070 (May 13,

<sup>1</sup> Decision # L0013743914 stated that claimant was denied benefits from September 28, 2025 to October 3, 2026. However, decision # L0013743914 should have stated that claimant was disqualified from receiving benefits beginning Sunday, September 28, 2025 and until he earned four times his weekly benefit amount. *See* ORS 657.176.

2019). If claimant believes they have good cause and filed their late application for review within a reasonable time, claimant may ask EAB to *reconsider* this decision under OAR 471-041-0145 (May 13, 2019).

EAB will dismiss any request for reconsideration that does not include **all five** of the following:

1. Claimant must file the request for reconsideration by April 13, 2026, *and*
2. Claimant must say in the request for reconsideration that they sent a copy of the request to the employer, *and*
3. Claimant must provide more specific details about the reason they filed a *late* application for review. For example, claimant should include specific information about the date they received the ALJ's Order No. 26-UI-319880, whether they read and disagreed with it, and how they were prevented from filing their application for review by March 2, 2026. Claimant should include specific details that might help EAB decide whether or not claimant had "good cause," which means factors or circumstances beyond their reasonable control prevented them from filing a timely application for review, *and*
4. Claimant must provide the date the circumstances that prevented them from filing a timely application for review ended (the circumstances they listed in response to #3, above), *and*
5. Claimant must provide sufficient information to prove that they filed their application for review within **seven** days of the date the circumstances that prevented them from filing a timely application for review ended.

There are several ways to file a request for reconsideration:

1. Use your smart phone, tablet, or computer to fill out the "File a Written Argument" form, available on EAB's website: <https://www.oregon.gov/EMPLOY/EAB/Pages/default.aspx>, *or*
2. Use your smart phone, tablet, or computer to send an email to EAB at [appealsboard@employ.oregon.gov](mailto:appealsboard@employ.oregon.gov), *or*
3. Send the request by U.S. mail or another delivery service, addressed to Employment Appeals Board, 875 Union St NE, Salem, Oregon 97311, *or*
4. Send EAB a fax at 503-378-2129.

Please note that you need only file *one* request for reconsideration.

**DECISION:** The application for review filed March 3, 2026 is dismissed without prejudice. Order No. 26-UI-319880 remains undisturbed.

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

**DATE of Service: March 24, 2026**

**NOTE:** To help meet the requirements of a request for reconsideration, please return the attached questionnaire to EAB by April 13, 2026.

**Please help us improve our service by completing an online customer service survey.** To complete the survey, please go to <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.



6. When did those circumstances begin?
  
  
  
  
  
  
  
  
  
  
7. How did those circumstances prevent you from filing your application for review by March 2, 2026?
  
  
  
  
  
  
  
  
  
  
8. On what date (mm/dd/yy) did the circumstances that prevented you from filing your application for review by March 2, 2026 end?
  
  
  
  
  
  
  
  
  
  
9. What prompted you to file your application for review on March 3, 2026, and not earlier?
  
  
  
  
  
  
  
  
  
  
10. You indicated in your statement enclosed with the application for review that you did not receive the ALJ's Order No. 26-UI-319880 "in time to file the appeal within the time frame allowed." EAB Exhibit 1 at 1. What do you believe led to this delay in receiving the ALJ's Order No. 26-UI-319880, and when did you actually receive it? Did you immediately file your application for review when you received the ALJ's Order No. 26-UI-319880, or did you wait some period of time before filing it? If you waited to file after receiving the ALJ's Order No. 26-UI-319880, what caused you to wait?

**Important:** The request for reconsideration is subject to dismissal unless claimant indicates below that they provided a copy of the request for reconsideration to the employer.

I provided a copy of my request for reconsideration to the employer.

I sent copies of my request for reconsideration to the employer by:

Email       Mail       Fax       Personal Delivery

Other: \_\_\_\_\_

I sent the copies of my request for reconsideration to the employer on this date (specify date):

I understand that my request for reconsideration is subject to dismissal unless it is filed by April 13, 2026.

I filed my request for reconsideration on: \_\_\_\_\_.

**Important:** Answers must be mailed, faxed, or emailed to EAB by April 13, 2026. Mail to: **Employment Appeals Board, 875 Union St NE, Salem, Oregon 97311**, Fax to: **503-378-2129**, or Email to: **appealsboard@employ.oregon.gov**



# 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**

ទោរទៅ – តម្រូវការនេះមិនមែនជាភារកិច្ចរបស់រដ្ឋទេ បើសិនជាលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ 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.

**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](mailto:appealsboard@employ.oregon.gov)  
 Website: [www.Oregon.gov/employ/pages/employment-appeals-board.aspx](http://www.Oregon.gov/employ/pages/employment-appeals-board.aspx)

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.