

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0230

Reversed
Request to Reopen Allowed
Merits Hearing Required

PROCEDURAL HISTORY: On November 25, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide information in accordance with the Department’s rules and therefore was ineligible for unemployment insurance benefits effective October 26, 2025 (decision # L0014318264). Claimant filed a timely request for hearing. On December 18, 2025, the Office of Administrative Hearings (OAH) mailed notice of a hearing on decision # L0014318264, scheduled for December 31, 2025 at 8:15 a.m. On December 31, 2025, claimant failed to appear for the hearing, and ALJ Blam issued Order No. 25-UI-315808, dismissing claimant’s hearing request based on their failure to appear.

On January 5, 2026, claimant filed a timely request to reopen the hearing. ALJ Kangas considered claimant’s reopen request, and, on February 26, 2026, issued Order No. 26-UI-321626, denying claimant’s request to reopen and leaving Order No. 25-UI-315808 undisturbed. On March 6, 2026, claimant filed an application for review of Order No. 26-UI-321626 with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB considered claimant’s written argument when reaching this decision.

FINDINGS OF FACT: (1) On December 18, 2025, notice was mailed to claimant’s address of record on file with OAH, stating that a hearing on decision # L0014318264 was scheduled for December 31, 2025. Claimant received and read this notice shortly after December 18, 2025.

(2) The notice scheduling the hearing on decision # L0014318264 stated, “At the time of the hearing, you must call 1-877-622- 4041. . . If you requested the hearing and you do not call **1-877-622-4041** at the time set for your hearing, the hearing will be dismissed.” Exhibit 3 at 1 (emphasis in original).

(3) However, the hearing notice also included a different phone number for use if claimant had questions prior to the hearing, or if claimant had difficulty calling in for the hearing, 503-947-1515. Exhibit 3 at 1. Additionally, the notice included a fax number, 503-947-1531. Exhibit 3 at 1.

(4) On the morning of December 31, 2025, claimant was prepared to participate in the hearing, and called in at 8:15 a.m. However, claimant called the wrong number. Claimant waited for at least five minutes on hold, and eventually concluded that there was an issue with the phone line and ended the call. Meanwhile, on the correct phone line, ALJ Blam waited to conduct the hearing for ten minutes and ended the call when claimant did not appear. Within the hour claimant had emailed OAH indicating he had “problems” getting into the call. Exhibit 6. Later that day, claimant called a hearings coordinator with OAH and learned of the option to file a request to reopen the hearing. Exhibit 5 at 2.

(5) On December 31, 2025, ALJ Blam issued Order No. 25-UI-315808, dismissing claimant’s hearing request based on their failure to appear. On January 5, 2026, claimant filed a timely request to reopen with a written statement stating their reasons for missing the hearing.

CONCLUSIONS AND REASONS: Claimant’s request to reopen is allowed, Order No 26-UI-321626 is reversed, Order No. 25-UI-315808 is cancelled, and claimant is entitled to a hearing on the merits of decision # L0014318264.

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. “Good cause” exists when the requesting party’s failure to appear at the hearing arose from an excusable mistake or from factors beyond the party’s reasonable control. OAR 471-040-0040(2) (February 10, 2012). The party requesting reopening must state the reason(s) for missing the hearing in a written statement, which the Office of Administrative Hearings (OAH) shall consider in determining whether good cause exists for failing to appear at the hearing. OAR 471-040-0040(3).

Claimant filed a timely request to reopen with a written statement stating their reasons for missing the hearing. Claimant established good cause for failing to appear at the December 31, 2025 hearing. Claimant was prepared to participate that morning but mistakenly called the wrong number, presumably the different phone number included in the hearing notice for use if claimant had questions prior to the hearing, or if claimant had difficulty calling in for the hearing. Claimant immediately reached out to OAH, following up via email within the hour and again by phone that same morning. Under these circumstances, claimant’s failure to appear at the December 31, 2025 hearing arose from an excusable mistake, and claimant established good cause for failing to appear.

Accordingly, claimant’s request to reopen is allowed, Order No 26-UI-321626 is reversed, Order No. 25-UI-315808 is cancelled, and claimant is entitled to a hearing on the merits of decision # L0014318264.

DECISION: Order No. 26-UI-321626 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 10, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-321626 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 ໄດ້ ໂດຍປະຕິບັດຕາມຄໍາແນະນໍາທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄໍາຕັດສິນນີ້.

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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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