

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0255

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On November 4, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant had failed to provide information to verify their identity in accordance with the Department's rules and was therefore ineligible for unemployment insurance benefits effective October 26, 2025 (decision # L0013889304). On November 24, 2025, decision # L0013889304 became final without claimant having filed a request for hearing. On December 29, 2025, claimant filed a late request for hearing on decision # L0013889304. ALJ Kangas considered claimant's request, and on February 24, 2026 issued Order No. 26-UI-321258, 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 10, 2026. On March 14, 2026, claimant filed a late response to the appellant questionnaire and a timely application for review 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 March 14, 2026 response to the appellant questionnaire, and 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.

FINDINGS OF FACT: (1) On November 4, 2025, the Department mailed decision # L0013889304 to claimant's address on file with the Department. Decision # L0013889304 stated, "You have the right to appeal our decision and request a hearing if you believe our decision is wrong. We must receive your request for a hearing no later than **November 24, 2025.**" Exhibit 1 at 2 (emphasis in original). Decision # L0013889304 also stated that a hearing could be requested via Frances Online, by phone, in person at a WorkSource Oregon office, or by mail. Exhibit 1 at 2.

(2) On October 27, 2025, claimant started a new job at which they worked 11.5-hour days, and would receive an “occurrence” if they took time off of work to attend to personal matters. EAB Exhibit 1 at 1. As a result, claimant felt that they “had no time to get [their] stuff done[.]” EAB Exhibit 1 at 1.

(3) On December 29, 2025, claimant filed their request for hearing via Frances Online. On their request for hearing, claimant stated that their reason for appealing was “Completed at local WSO [WorkSource Oregon office].” Exhibit 2 at 4.

CONCLUSIONS AND REASONS: Claimant’s late request for hearing is dismissed.

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.

Under OAR 471-040-0005(2)(a) (July 15, 2018), an individual may request a hearing on an administrative decision related to payment of benefits by “mail, fax, e-mail, or other means as designated by [the] Employment Department[.]” A request for hearing may also be filed “[i]n person at any publicly accessible Employment Department office in Oregon.” OAR 471-040-0005(2)(b). Use of forms provided by the Department or similar offices for requesting a hearing is not required so long as the individual “expresses a present intent to appeal and it can be determined what issue or decision is being appealed.” OAR 471-040-0005(1).

The request for hearing on decision # L0013889304 was due by November 24, 2025. Because claimant did not file their request for hearing until December 29, 2025, the request was late.

On their response to the appellant questionnaire, claimant suggested that they did not file a timely request for hearing because, approximately a week before the issuance of decision # L0013889304, they started a new job that required them to work long hours; and that this resulted in their having “no time to get [their] stuff done[.]” Claimant further asserted that “by the time [they] get off work everything office wise is closed” because they were working from 6:00 a.m. to 5:30 p.m., and that when they got home from work each day they would “eat and fall asleep.” EAB Exhibit 1 at 1. While claimant’s feeling that they were too busy to file a timely request for hearing is understandable, these statements do not show that claimant was prevented from doing so due to factors beyond their reasonable control.

Even assuming that claimant had no time to file their request for hearing on workdays, it can be reasonably presumed that claimant had at least some days off of work during the 20-day period between when decision # L0013889304 was issued and when it became final, such that claimant could most likely have filed the request on one of those days. Further, regardless of whether claimant’s days off coincided with typical business hours, claimant could have filed their request for hearing by a number of different means, two of which (Frances Online and mail) can be done at any time of day or night.

Additionally, OAR 471-040-0005(1) requires little of a party wishing to appeal an administrative decision. So long as a filing “expresses a present intent to appeal and it can be determined what issue or decision is being appealed,” the filing will be construed as a request for hearing. In fact, claimant

completed their request for hearing via Frances Online, and included with that request only a four-word explanation for why they were appealing. Claimant has not shown that they were unable to complete this request via Frances Online prior to the timely filing deadline due to their work schedule or any other factors.

Finally, although claimant's failure to file a timely request for hearing was likely the result of a mistake on their part, it was not an "excusable mistake" within the meaning of the administrative rules because it did not, for example, raise a due process issue, and was not the result of inadequate notice, reasonable reliance on another, or the inability to follow directions despite substantial efforts to comply.

Because claimant did not show that they failed to file a timely request for hearing due to factors beyond their reasonable control or an excusable mistake, claimant has not shown good cause for filing the late request for hearing. Therefore, claimant's late request for hearing must be dismissed.

DECISION: Order No. 26-UI-321258 is affirmed.

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

DATE of Service: April 2, 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 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.

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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