

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0256**

*Reversed*  
*Late Request for Hearing Allowed*  
*Merits Hearing Required*

**PROCEDURAL HISTORY:** On December 4, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was therefore disqualified from receiving unemployment insurance benefits effective May 11, 2025 (decision # L0014411301). On December 24, 2025, decision # L0014411301 became final without claimant having filed a request for hearing. On December 30, 2025, claimant filed a late request for hearing. ALJ Kangas considered the request, and on January 7, 2026 issued Order No. 26-UI-316348, dismissing the request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by January 21, 2026. On January 27, 2026, Order No. 26-UI-316348 became final without claimant having filed an appellant questionnaire response or an application for review with the Employment Appeals Board (EAB). On February 19, 2026, claimant filed a late appellant questionnaire response. ALJ Scott reviewed the response, and on February 26, 2026 issued Order No. 26-UI-321670, canceling Order No. 26-UI-316348, declining to consider claimant's appellant questionnaire response because it was filed late, and re-dismissing claimant's late request for hearing. On March 15, 2026, claimant filed an application for review of Order No. 26-UI-321670 with EAB.

**EVIDENTIARY MATTERS:** Claimant's appellant questionnaire response was not filed by the date Order No. 26-UI-316348 became final, January 27, 2026. The late questionnaire response was marked for identification as Exhibit 3 but was not considered as evidence by the ALJ and, as such, is not evidence in the hearing record. Claimant supplemented the appellant questionnaire response with EAB on March 17, 2026. The portion of the March 17, 2026 filing directly pertaining to why the appellant questionnaire response was not filed prior to Order No. 26-UI-316348 becoming final was considered by EAB when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). This information 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.

Furthermore, with that addition, the record shows that a factor beyond claimant's reasonable control prevented her from filing the appellant questionnaire response prior to Order No. 26-UI-316348 becoming final. Claimant wrote that as of January 7, 2026, the date Order No. 26-UI-316348 was issued, she was undergoing treatment for serious medical issues, which included several hospital visits. EAB Exhibit 1 at 1-2. Claimant further wrote that she was injured in a vehicle collision on January 20, 2026, and received additional treatment thereafter for those injuries. EAB Exhibit 1 at 2. It is reasonable to infer that claimant's medical conditions were a factor beyond her reasonable control that prevented her from filing a timely appellant questionnaire response, and that she filed the late response on February 19, 2026 because it was the earliest time she was medically able to do so. Accordingly, under ORS 657.275(2) and OAR 471-041-0090, EAB **did** consider the late appellant questionnaire response when reaching this decision.

**FINDINGS OF FACT:** (1) Decision # L0014411301, mailed to claimant's address on file with the Department on December 4, 2025, 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 **December 24, 2025.**" Exhibit 1 at 2 (emphasis in original).

(2) On December 20, 2025, claimant retrieved decision # L0014411301 from her mailbox and read it, but did not immediately file a request for hearing because she was "suffering from migraines. . . [that] affected [her] ability to do normal day to day tasks," as well as experiencing serious complications of pregnancy. Exhibit 3 at 3.

(3) On December 30, 2025, claimant filed a late request for hearing on decision # L0014411301. Claimant filed the request on that day, rather than at an earlier time, "because [she] got a moment of relief from pain and wanted to handle these important matters." Exhibit 3 at 3.

**CONCLUSIONS AND REASONS:** Claimant's late request for hearing is allowed, and a hearing on the merits of decision # L0014411301 is required.

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.

The request for hearing on decision # L0014411301 was due by December 24, 2025. Claimant's request for hearing was filed on December 30, 2025, and was therefore late. Claimant wrote in her appellant questionnaire response that she retrieved decision # L0014411301 from her mailbox on December 20, 2025, but that she was suffering from medical issues that interfered with her activities of daily living. Exhibit 3 at 3. More likely than not, this was a factor that prevented timely filing of a request for hearing, and good cause therefore exists to extend the filing deadline. Because claimant filed the late request for hearing within seven days after the December 24, 2025 timely filing deadline, it was necessarily filed within a "reasonable time" after the factor that prevented timely filing ended. Accordingly, claimant's late request for hearing is allowed, and the matter remanded for a hearing on the merits of decision # L0014411301.

**DECISION:** Order No. 26-UI-321670 is set aside, and this matter remanded for further proceedings consistent with this order.

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

**DATE of Service: April 13, 2026**

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-321670 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 محكمة 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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