

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0271**

*Affirmed*  
*Late Request to Reopen Denied*

**PROCEDURAL HISTORY:** On December 7, 2021, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause, and therefore was disqualified from receiving unemployment insurance benefits effective October 17, 2021 (decision # 151448). Claimant filed a timely request for hearing. On January 26, 2022, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for February 8, 2022. On February 8, 2022, claimant failed to appear at the hearing, and ALJ Ramey issued Order No. 22-UI-185892, dismissing claimant's request for hearing due to their failure to appear. On February 28, 2022, Order No. 22-UI-185892 became final without claimant having filed a request to reopen the hearing. On March 13, 2026, claimant filed a late request to reopen the hearing. ALJ Scott considered claimant's request, and on March 16, 2026, issued Order No. 26-UI-323815, denying the request as late without good cause and leaving Order No. 22-UI-185892 undisturbed. On March 18, 2026, claimant filed an application for review of Order No. 26-UI-323815 with EAB.

**WRITTEN ARGUMENT:** Claimant did not state that they provided a copy of their argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). The argument also contained information that was not part of the record and did not show that factors or circumstances beyond claimant's reasonable control prevented them from offering the information with their request to reopen the hearing as required by OAR 471-040-0040(3) (February 10, 2012). Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into the record when reaching this decision.

**FINDINGS OF FACT:** (1) On December 7, 2021, the Department mailed decision # 151448 to claimant's address of record, a street address in Jenks, Oklahoma. Exhibit 1 at 1. On December 10, 2021, claimant filed a timely request for hearing.

(2) On January 26, 2022, OAH mailed notice of a hearing on decision # 151448, scheduled for February 8, 2022. The notice of hearing was mailed to the same address to which decision # 151448 had been mailed. Exhibit 3 at 3.

(3) On February 8, 2022, claimant failed to appear at the hearing because they were “moving between different places to stay because [they] did not have stable housing or income,” and therefore “did not receive or become aware of the hearing date in time to participate.” Exhibit 5 at 1. At the time, claimant also lacked “the ability to call in or attend [the hearing] because [they] had no active phone service and no financial means to restore it.” Exhibit 5 at 1.

(4) On February 28, 2022, Order No. 22-UI-185892, which had dismissed claimant’s request for hearing due to claimant’s failure to appear, became final without claimant having filed a request to reopen the hearing. On March 13, 2026, claimant filed a late request to reopen the hearing.

**CONCLUSIONS AND REASONS:** Claimant’s late request to reopen the hearing is denied.

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. The period within which a party may request reopening may be extended if the party has good cause for failing to request reopening within the time allowed, and acts within a reasonable time. OAR 471-040-0041(1) (February 10, 2012). “Good cause” exists when an action, delay, or failure to act arises from an excusable mistake or from factors beyond an applicant’s reasonable control. OAR 471-040-0041(2). “A reasonable time,” is seven days after the circumstances that prevented a timely filing ended. OAR 471-040-0041(3). The party requesting reopening must state the reason(s) for filing a late request to reopen in a written statement, which OAH shall consider in determining whether good cause exists for the late filing, and whether the party acted within a reasonable time. OAR 471-040-0041(4). Under OAR 471-040-0041(2)(b)(A), “Good cause” does not include “[f]ailure to receive a document due to not notifying the Employment Department or Office of Administrative Hearings of an updated address while the person is claiming benefits or if the person knows, or reasonably should know, of a pending appeal[.]”

The request to reopen the hearing was due by February 28, 2022. Because claimant did not file their reopen request until March 13, 2026, the request was late. On their reopen request, claimant indicated that they failed to appear at the hearing because, due to unstable housing, they did not receive the notice of hearing in time to attend it. Claimant did not state that they continued to experience these issues beyond the date on which Order No. 22-UI-185892 became final, let alone for the ensuing four years, or otherwise clearly explain why they waited until March 13, 2026 to file a reopen request on a hearing originally scheduled for February 2022. Thus, to the extent that claimant’s reopen request does not explain why they filed the request late, claimant’s request must be denied under OAR 471-040-0041(4).

However, even if it can be reasonably inferred from claimant’s statement that their unstable housing situation continued to prevent them from filing a timely reopen request for some period of time after Order No. 22-UI-185892 became final, claimant did not show how long those factors lasted, such that it could be reasonably ascertained as to how long they were prevented from filing the request due to factors beyond their reasonable control. By extension, it cannot be ascertained whether claimant filed the request within the seven-day “reasonable time” period after the factors which prevented a timely filing ended. Additionally, because claimant filed the request for hearing in December 2021, claimant had reason to know of a pending appeal. Thus, to the extent that claimant failed to file a timely reopen request because they failed to update their address with the Department or OAH and therefore did not receive the notice of hearing, the reopen request must be denied under OAR 471-040-0041(2)(b)(A).

In sum, claimant has not shown, by a preponderance of the evidence, that they had good cause for failing to file a timely reopen request, or that they filed the request within a reasonable time. Therefore, claimant's late request to reopen the hearing is denied.

**DECISION:** Order No. 26-UI-323815 is affirmed.

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

**DATE of Service:** April 15, 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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