

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0283

Affirmed
Request to Reopen Denied

PROCEDURAL HISTORY: On October 10, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged by the employer for misconduct, disqualifying claimant from receiving benefits effective July 20, 2025 (decision # L0013361899).¹ Claimant filed a timely request for hearing. On November 20, 2025, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for December 4, 2025. On December 4, 2025, claimant failed to appear at the hearing, and ALJ Wahl issued Order No. 25-UI-313011, dismissing claimant's request for hearing due to their failure to appear. On December 22, 2025, claimant filed a timely request to reopen the hearing. On February 27, 2026, ALJ Parnell conducted a hearing, and on March 4, 2026 issued Order No. 26-UI-322288, denying claimant's request to reopen and leaving Order No. 25-UI-313011 undisturbed. On March 23, 2026, claimant filed an application for review of Order No. 26-UI-322288 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 the November 20, 2025 notice of hearing, which is necessary to complete the record under OAR 471-041-0090(1)(a). This evidence 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.

WRITTEN ARGUMENT: EAB considered the employer's written argument when reaching this decision. 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

¹ Decision # L0013361899 stated that claimant was denied benefits from August 24, 2025 to August 22, 2026. However, as decision # L0013361899 determined that claimant was discharged on July 21, 2025, it should have stated that claimant was disqualified from receiving benefits beginning Sunday, July 20, 2025 and until they earned four times their weekly benefit amount. *See* ORS 657.176.

of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented them from offering the information during the hearing as required by OAR 471-041-0090. With the exception of EAB Exhibit 1, above, EAB considered only the information received into evidence at the hearing. *See* ORS 657.275(2).

FINDINGS OF FACT: (1) On November 20, 2025, OAH served notice of a hearing on decision # L0013361899 scheduled for December 4, 2025. The notice was mailed to claimant's address of record, which was claimant's correct address.

(2) Claimant has attention-deficit hyperactivity disorder (ADHD) and autism. At the time that the notice of hearing was mailed, claimant was suffering from autistic burnout and related mental health symptoms due to circumstances relating to their former employment, which caused claimant to have difficulty performing various everyday tasks. At the time, claimant was also focusing their efforts on trying to stay in good standing with a newly-acquired job. Claimant continued to file weekly claims for benefits during this time period.

(3) Claimant believed that notice of the hearing would be arriving via Frances Online, rather than by mail. Additionally, claimant and their roommate did not check their mailbox frequently, as they tended to receive mostly junk mail. As a result, claimant did not check the mailbox prior to the December 4, 2025 hearing, and therefore was not aware that a hearing had been scheduled. On December 4, 2025, claimant failed to appear at the hearing for that reason.

(4) On or around December 20, 2025, claimant realized that they had not yet received information about a hearing being scheduled on decision # L0013361899. At that point, claimant contacted the Department for clarification, which informed claimant that hearing notices were sent via mail. Claimant then checked their mail, discovered the notice of hearing, and realized that they had missed the December 4, 2025 hearing.

(5) On December 22, 2025, claimant filed a timely request to reopen the December 4, 2025 hearing. Claimant included with their request a written statement which explained why they failed to appear at the hearing.

CONCLUSIONS AND REASONS: Claimant's 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. "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).

On December 4, 2025, claimant failed to appear at the hearing. On December 22, 2025, claimant filed a request to reopen the hearing. As a preliminary matter, claimant filed their reopen request within 20 days of the date on which the order dismissing their request for hearing was issued, and included with the

request a statement explaining why they failed to appear at the hearing. Claimant has therefore met the threshold requirements of OAR 471-040-0040(3). However, claimant has not shown good cause for reopening the hearing.

Claimant failed to appear at the hearing because they mistakenly believed that the notice of hearing would be delivered via Frances Online, rather than by mail, and did not discover that the notice of hearing had been delivered to them until after they had already missed the hearing. In addition to their belief that the notice would be delivered electronically, claimant and their roommate, by habit, checked their mail only infrequently, as they seldom received mail of any importance. As a result, claimant did not check the mail until after the hearing had already passed.

However, claimant has not shown, by a preponderance of the evidence, that they were prevented from timely checking the mail and discovering the notice of hearing due to factors or circumstances beyond their reasonable control. Indeed, the record shows that claimant had been continuing to file weekly claims, and had also managed to secure another job, during the relevant period. The fact that claimant was logging into Frances Online weekly and, presumably, checking for correspondence about the hearing suggests that claimant would have been able to check the mail if they realized that the notice of hearing would be delivered to them by mail. Thus, claimant's failure to appear at the hearing was likely the result of a mistake on their part, not the result of factors or circumstances beyond their reasonable control.

Further, although claimant's failure to check the mail for the notice of 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. As such, claimant has not shown good cause for failing to appear at the December 4, 2025 hearing, and claimant's request to reopen the hearing is therefore denied.

DECISION: Order No. 26-UI-322288 is affirmed.

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

DATE of Service: April 16, 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 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 بمحكمة 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.

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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