

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0306**

*Affirmed*  
*Late Request for Hearing Dismissed*

**PROCEDURAL HISTORY:** On January 22, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide identity verification information in accordance with the Department’s rules and was ineligible for benefits beginning January 12, 2025 (decision # L0008784947). On February 11, 2025, decision # L0008784947 became final without claimant having filed a request for hearing. On January 12, 2026, claimant filed a late request for hearing.

ALJ Kangas considered claimant’s request, and on March 4, 2026 issued Order No. 26-UI-322198, dismissing the request as late, subject to claimant’s right to renew the request by responding to an appellant questionnaire by March 18, 2026. On March 12, 2026, claimant filed a timely response to the appellant questionnaire. ALJ Kangas considered the appellant questionnaire response, and on March 26, 2026, issued Order No. 26-UI-325123, re-dismissing claimant’s hearing request as late without good cause and leaving decision # L0008784947 undisturbed.

**FINDINGS OF FACT:** (1) On January 22, 2025, the Department mailed decision # L0008784947 to claimant’s address of record. The Department also delivered the decision to claimant’s Frances Online account on the same day. Decision # L0008784947 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 **February 11, 2025.**” Exhibit 1 at 2. (emphasis in original).

(2) Claimant never received decision # L0008784947 in the mail. Exhibit 3 at 4. On February 11, 2025, decision # L0008784947 became final without claimant having filed a request for hearing.

(3) At some point between January 22, 2025 and January 12, 2026, claimant became aware of decision # L0008784947 and their right to appeal the decision.

(4) On January 12, 2026, claimant filed a late request for hearing on decision # L0008784947.

(5) In a statement on their hearing request, in response to the question, “What is your reason for appealing?”, claimant explained:

I am appealing late I have been dealing with a lot of health issues I don't know what excuse I can give I was lazy and late. I did not complete it is [sic] in January 2025 because I went back to work and did not realize I had to keep up on unemployment.

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.

The deadline to file a request for hearing on decision # L0008784947 was February 11, 2025. Because claimant did not file a hearing request until January 12, 2026, the request for hearing was late.

Claimant did not show good cause to extend the deadline to file a request for hearing on decision # L0008784947. Claimant did not receive a copy of the administrative decision via the mail. However, it can be reasonably inferred that they became aware of decision # L0008784947 and their right to appeal the decision at some point after January 22, 2025, possibly via their Frances Online account, given that they appealed the decision on January 12, 2026 and acknowledged on their hearing request that they were “appealing late[.]” Exhibit 2 at 4.

Thus, claimant became aware of the existence of decision # L0008784947 and their right to appeal the decision at some point between January 22, 2025 and January 12, 2026, but did not specify when. Because claimant became aware of decision # L0008784947 and their right to appeal, but failed to establish *when* they became aware of it, claimant failed to prove that the January 12, 2026 filing occurred within seven days of when the factors, if any, that prevented them from timely filing had ended. Therefore, to the extent that failing to receive decision # L0008784947 in the mail may have constituted a factor beyond claimant's reasonable control that prevented a timely filing, claimant did not meet their burden to establish that the January 12, 2026 filing date was filed within seven-day “reasonable time” of when that factor ended.

Claimant likewise did not establish that the health issues that they mentioned in their hearing request referral form answer prevented a timely filing. This is so because the reference to health issues was vague and lacking in detail. Furthermore, claimant also attributed the late filing to a general lack of diligence. *See* Exhibit 2 at 4 (“I am appealing late I have been dealing with a lot of health issues I don't know what excuse I can give I was lazy and late.”).

Finally, claimant's statement that they “went back to work and did not realize [they] had to keep up on unemployment” suggests that their failure to file a timely appeal may have been the result of a mistake on their part. Exhibit 2 at 4. However, 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.

For these reasons, claimant failed to show good cause to extend the February 11, 2025 deadline to file a hearing request on decision # L0008784947, and did not establish that they filed their late request for hearing within a reasonable time. Claimant's late request for hearing is dismissed.

**DECISION:** Order No. 26-UI-325123 is affirmed.

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

**DATE of Service:** May 8, 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**

ទោរទៅ – តម្រូវការនេះមិនមែនជាភារកិច្ចរបស់រដ្ឋទេ បើសិនជាលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

**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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