

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0317**

*Reversed & Remanded*

**PROCEDURAL HISTORY AND FINDINGS OF FACT:** On September 16, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to register for work in accordance with the Department’s rules and was ineligible for benefits beginning August 24, 2025 (decision # L0012934949). On October 6, 2025, decision # L0012934949 became final without claimant having filed a request for hearing. On December 30, 2025, claimant filed a late request for hearing. ALJ Kangas considered claimant’s request, and, on March 10, 2026 issued Order No. 26-UI-322977, dismissing the request as late, subject to claimant’s right to renew the request by responding to an appellant questionnaire by March 24, 2026. On March 21, 2026, claimant filed a timely application for review of Order No. 26-UI-322977 with the Employment Appeals Board (EAB) that included a response to the appellant questionnaire.

**EVIDENTIARY MATTER:** EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is claimant’s response to the appellant questionnaire, 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, stating 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.

**CONCLUSIONS AND REASONS:** Order No. 26-UI-322977 is set aside, and this matter remanded for a hearing on whether claimant’s late request for hearing on decision # L0012934949 should be allowed and, if so, the merits of decision # L0012934949.

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 timely request for hearing on decision # L0012934949 was October 6, 2025. Because claimant did not request a hearing on decision # L0012934949 until December 30, 2025, the request for hearing was late.

The information contained in claimant's appellant questionnaire response suggests that they did not receive decision # L0012934949. If claimant did not receive a paper copy of decision # L0012934949 via the mail, a copy of the administrative decision by email, or notice of the administrative decision via a copy viewable in Frances Online, factors beyond claimant's reasonable control may have prevented them from timely filing the hearing request. However, further development of the record is necessary to determine whether claimant had good cause for the late request for hearing and, if so, whether claimant filed within a reasonable time of when the factors preventing a timely filing ended.

On remand, the ALJ should inquire whether claimant received a copy of decision # L0012934949 by mail or email, or viewed an electronic copy of the administrative decision via their Frances Online account. The ALJ should ask questions to develop whether claimant had experienced difficulty with mail delivery at their residence in mid-September 2025, moved residences before the September 16, 2025 date decision # L0012934949 was mailed and failed to update their address with the Department, received the administrative decision by email, or received notice by email that decision # L0012934949 was available to view in Frances Online. If the record on remand shows that claimant received notice by email that decision # L0012934949 was available to view in Frances Online but failed to read the email notice, or read the email notice but failed to view decision # L0012934949 in their Frances Online account, the ALJ should ask questions to assess whether factors beyond claimant's reasonable control or an excusable mistake prevented them from following the email notice's instructions.

The ALJ should further inquire what caused claimant to file their hearing request when they did on December 30, 2025, such as whether claimant received or otherwise became aware of decision # L0012934949 around that date and, if so, what the circumstances were that enabled claimant to receive or become aware of the administrative decision at that time. Additionally, the ALJ should ask questions to determine whether claimant's late request for hearing was made within a seven-day reasonable time of when the factors preventing a timely filing, if any, ended. If the record on remand shows that claimant failed to receive decision # L0012934949 and that their failure to receive it was due to factors beyond their reasonable control or an excusable mistake, and if claimant's late request for hearing was made within a seven days after claimant became aware of the decision, the late request for hearing should be allowed and the ALJ should turn to the merits of the case.

Order No. 26-UI-322977 therefore is reversed, and this matter remanded for a hearing on whether claimant's late request for hearing should be allowed and, if so, the merits of decision # L0012934949.

**DECISION:** Order No. 26-UI-322977 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 16, 2026

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-322977 or return this matter to EAB. Only a timely application for review of the subsequent order will cause this matter to return 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**

ទោរទៅ – តម្រូវការនេះមិនមែនជាភារកិច្ចរបស់អ្នកទេ បើសិនជាអ្នកមិនបានបំពេញភារកិច្ចនោះទេ។ បើសិនជាអ្នកមិនបានបំពេញភារកិច្ចនោះទេ អ្នកអាចប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ 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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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