

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0319

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On August 9, 2023, the Oregon Employment Department (the Department) served a Notice of Determination for Pandemic Unemployment Assistance (PUA) concluding that claimant was not eligible receive PUA benefits effective February 2, 2020. On August 29, 2023, the August 9, 2023 PUA determination became final without claimant having filed a request for hearing. On October 28, 2025, claimant filed a late request for hearing.

ALJ Kangas considered claimant's request, and, on November 7, 2025, issued Order No. 25-UI-309895, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by November 21, 2025. On November 21, 2025, claimant filed a timely response to the appellant questionnaire. On January 14, 2026, the Office of Administrative Hearings (OAH) mailed a letter stating that Order No. 25-UI-309895 was vacated and that a new hearing would be scheduled to determine whether claimant had good cause to file the late request for hearing and, if so, the merits of the August 9, 2023 PUA determination. On March 10, 2026, ALJ Enyinnaya conducted a hearing, and on March 17, 2026, issued Order No. 26-UI-323982, concluding that claimant's request for hearing on the August 9, 2023 PUA determination was late without good cause, dismissing claimant's hearing request on that basis, and leaving the August 9, 2023 PUA determination undisturbed. On March 31, 2026, claimant filed an application for review of Order No. 26-UI-323982 with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant sent an email to OAH on March 31, 2026, which EAB has construed as a written argument in this matter. EAB did not consider claimant's March 31, 2026 argument because it was not relevant and material to EAB's determination of whether claimant's late request for hearing in this matter should be allowed. ORS 657.275(2) and OAR 471-041-0090(1)(b)(A) (May 13, 2019).

Claimant also submitted a written argument to EAB by email on April 8, 2026. Claimant's April 8, 2026 argument contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented her from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090, EAB considered only information

received into evidence at the hearing. EAB considered the parts of claimant's April 8, 2026 argument that were based on the hearing record.

FINDINGS OF FACT: (1) Claimant had struggled with depression since childhood. In October 2022, claimant's father passed away and claimant's romantic partner ended their relationship with claimant. In May 2023, claimant's brother was sent to prison. The combined effect of these events caused claimant to suffer from severe depression.

(2) On August 9, 2023, the Department mailed the August 9, 2023 PUA determination to claimant's address on file with the Department. The PUA determination stated, "You have the right to appeal this decision if you do not believe it is correct. Your request for appeal must be received by August 29, 2023." Exhibit 2 at 4.

(3) Shortly after August 9, 2023, the US Postal Service delivered the August 9, 2023 PUA determination to claimant's mailbox at her residence. However, claimant did not immediately retrieve the August 9, 2023 PUA determination because, following the onset of claimant's severe depression in or around October 2022, she stopped checking her mail.

(4) On August 29, 2023, the August 9, 2023 PUA determination became final without claimant having filed a request for hearing.

(5) During the period of claimant's depression, claimant spent most days lying on her couch, debilitated to a degree. However, claimant went back and forth to a convenience store to buy food during this period and, when she did so, walked or drove by her mailbox but did not check its contents. She did not check the mail because she was not thinking about "external things" at the time. Transcript at 26. During this period, claimant's nephew visited claimant from time to time, and claimant's nephew would check her mail and leave it at her residence.

(6) On October 27, 2025, claimant opened a stack of mail. At that time, claimant saw that the Department had sent her a "tax lien" or statement of collections relating to an overpayment of benefits that resulted from the August 9, 2023 PUA determination. Transcript at 13. At that time, claimant "realized there had been consequences connected to the missed [August 9, 2023 PUA determination]." Exhibit 1 at 6.

(7) On October 28, 2025, claimant called the Department and filed a late request for hearing on the August 9, 2023 PUA determination by phone.

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 the August 9, 2023 PUA determination was August 29, 2023. Because claimant did not file their hearing request until October 28, 2025, the hearing request was late.

Claimant failed to show good cause to extend the deadline to file a request for hearing on the August 9, 2023 PUA determination. Claimant did not establish that a factor beyond her reasonable control or an excusable mistake prevented her from filing a timely hearing request on the determination. Although claimant began suffering from severe depression in or around October 2022 and stopped checking her mail as a result, she was nevertheless able to walk or drive by her mailbox during that period each time she went to the convenience store to buy food. Therefore, while her depression was debilitating to a degree, it was still within claimant's reasonable control to check her mail on the occasions she went to the convenience store, which likely would have enabled her to obtain the PUA determination, take note of the right to appeal, and file a request for hearing if she disagreed with the determination. Similarly, given her ability to go back and forth to the convenience store despite the depression, to the extent claimant's nephew had brought the PUA determination into the residence during one of the occasions when he visited and checked claimant's mail, claimant more likely than not had the wherewithal to open the mail containing the PUA determination, take note of the right to appeal, and file an appeal, if desired.

These conclusions are bolstered by the fact that claimant ultimately filed her appeal of the PUA determination the day after she opened some mail, saw a Department tax lien or statement of collections, and "realized there had been consequences connected to the missed" PUA determination. Exhibit 1 at 6. This suggests that, despite her depression, claimant had the means to take action to appeal the PUA determination when motivated by potential consequences, and had failed previously to do so not because of factors beyond her reasonable control or an excusable mistake.

For these reasons, claimant failed to show good cause to extend the deadline to file a hearing request on the August 9, 2023 PUA determination, and did not file her late request for hearing within a reasonable time. Claimant's late request for hearing is therefore dismissed.

DECISION: Order No. 26-UI-323982 is affirmed.

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

DATE of Service: May 14, 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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you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.



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 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.

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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