

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0331

Late Application for Review Dismissed

PROCEDURAL HISTORY: On December 9, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant, but not for misconduct, and claimant therefore was not disqualified from receiving unemployment insurance benefits based on the work separation (decision # L0014654213). The employer filed a timely request for hearing. On January 23, 2026, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for February 5, 2026. On February 5, 2026, ALJ Wahl convened a hearing at which the employer failed to appear, and on February 6, 2026, issued Order No. 26-UI-319517, dismissing the hearing request based on the employer's failure to appear. On February 26, 2026, Order No. 26-UI-319517 became final without the employer having filed a request to reopen the hearing. On March 16, 2026, the employer filed a late request to reopen the February 5, 2026 hearing.

ALJ Scott considered the employer's request, and on March 17, 2026, issued Order No. 26-UI-324021, denying the employer's late request to reopen and leaving Order No. 26-UI-319517 undisturbed. On April 6, 2026, Order No. 26-UI-324021 became final without the employer having filed an application for review with the Employment Appeals Board (EAB). On April 7, 2026, the employer filed a late application for review of Order No. 26-UI-324021 with EAB. This matter comes before EAB based on the employer's late application for review of Order No. 26-UI-324021.

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is the employer's late application for review and attached written statements, 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.

FINDINGS OF FACT: (1) Order No. 26-UI-324021, mailed to the employer on March 17, 2026, stated, "You may appeal this decision by filing the attached form Application for Review with the Employment Appeals Board within 20 days of the date that this decision is mailed." Order No. 26-UI-

324021 at 4. Order No. 26-UI-324021 also stated on its Certificate of Mailing, “Any appeal from this Order must be filed on or before April 6, 2026 to be timely.”

(2) The employer received Order No. 26-UI-324021 in the mail shortly after the date it was issued.¹ Also, on April 1, 2026, OAH emailed a copy of Order No. 26-UI-324021 to the employer, with a paper application for review form included. EAB Exhibit 1 at 1, 11.

(3) At the time the employer received Order No. 26-UI-324021, the employer’s office manager was out on maternity leave. The employer was also transitioning to new management.

(4) Despite the office manager being on leave and the management transition, on or before April 6, 2026, an agent of the employer filled out a paper application for review form with information pertaining to Order No. 26-UI-324021. The employer’s agent signed and dated the completed form on April 6, 2026, but did not file the form on that date. EAB Exhibit 1 at 15.

(5) On April 6, 2026, Order No. 26-UI-324021 became final without the employer having filed an application for review.

(6) On April 7, 2026, the employer filed a late application for review by sending an email to EAB, attaching the completed application for review form signed and dated on April 6, 2026. EAB Exhibit 1 at 12, 15. On the same day, the employer also used EAB’s webform to file an application for review of the order. EAB Exhibit 1 at 13-14.

CONCLUSIONS AND REASONS: The employer’s late application for review of Order No. 26-UI-324021 is dismissed.

An application for review is timely if it is filed within 20 days of the date that the Office of Administrative Hearings (OAH) mailed the order for which review is sought. ORS 657.270(6); OAR 471-041-0070(1) (May 13, 2019). The 20-day filing period may be extended a “reasonable time” upon a showing of “good cause.” ORS 657.875; OAR 471-041-0070(2). “Good cause” means that factors or circumstances beyond the applicant’s reasonable control prevented timely filing. OAR 471-041-0070(2)(a). A “reasonable time” is seven days after the circumstances that prevented the timely filing ended. OAR 471-041-0070(2)(b). A late application for review will be dismissed unless it includes a written statement describing the circumstances that prevented a timely filing. OAR 471-041-0070(3).

The application for review of Order No. 26-UI-324021 was due by April 6, 2026. Because the employer did not file their application for review until April 7, 2026, the application for review was late.

The employer failed to establish good cause to file the application for review late. The employer did not show that a factor or circumstance beyond their reasonable control prevented them from filing the application for review by the April 6, 2026 deadline. The employer’s office manager was on leave and the employer was transitioning to new management at the time the employer received Order No. 26-UI-324021. However, the available information shows that the employer received Order No. 26-UI-324021

¹ There is a presumption that a letter duly directed and mailed was received in the regular course of the mail. *See* OAR 137-003-0520(10) (January 31, 2012) (“Documents sent through the U.S. Postal Service by regular mail are presumed to have been received by the addressee, subject to evidence to the contrary.”).

before April 6, 2026 and that an agent for the employer had filled out, signed, and dated a paper application for review form on that date, which, if it had simply been emailed, faxed, or mailed and postmarked on the same day, would have constituted a timely-filed application for review. While the office manager's leave and the management transition may have presented the employer with some challenges, it was within the employer's reasonable control to make efforts to have other employees cover the office manager's duties, and otherwise exercise due diligence to ensure that deadlines were met during the management transition. Further, the employer did not show that any factor or circumstance beyond their reasonable control prevented their agent, who had filled out, signed, and dated an application for review form on April 6, 2026, from completing the process and transmitting the application for review to EAB on that date.

Accordingly, the employer did not show good cause for the late application for review, and the employer's late application for review is dismissed.

DECISION: The application for review filed April 7, 2026 is dismissed. Order No. 26-UI-324021 remains undisturbed.

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

DATE of Service: May 20, 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 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.

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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