

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0332

Late Application for Review Allowed
Order No. 26-UI-323471 Affirmed ~ Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On April 12, 2023, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant willfully made a misrepresentation and failed to report a material fact to obtain benefits, and assessing an overpayment of \$7,995 in Pandemic Unemployment Assistance (PUA) benefits and \$10,800 in Federal Pandemic Unemployment Compensation (FPUC) benefits that claimant was required to repay to the Department, as well as a \$4,698.75 monetary penalty. On May 2, 2023, the April 12, 2023 overpayment decision became final without claimant having filed a request for hearing. On February 5, 2025, claimant filed a late request for hearing. ALJ Kangas considered the request, and on January 2, 2026 issued Order No. 26-UI-315946, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by January 16, 2026. On January 22, 2026, Order No. 26-UI-315946 became final without claimant having filed an appellant questionnaire response or an application for review with the Employment Appeals Board (EAB).

On February 20, 2026, claimant filed a late appellant questionnaire response. ALJ Scott reviewed the response, and on March 12, 2026 issued Order No. 26-UI-323471, cancelling Order No. 26-UI-315946, declining to consider claimant's appellant questionnaire response because it was late, and re-dismissing claimant's late request for hearing of the April 12, 2023 overpayment decision. On April 1, 2026, Order No. 26-UI-323471 became final without claimant having filed an application for review with EAB. On April 7, 2026, claimant filed a late application for review of Order No. 26-UI-323471 with EAB.

EVIDENTIARY MATTERS: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is the statement included with claimant's application for review, 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.

Claimant's appellant questionnaire response was not filed by the date Order No. 26-UI-315946 became final, January 22, 2026. The ALJ marked the late questionnaire response for identification as Exhibit 3,

but did not consider the evidence. For this reason, it is not evidence in the hearing record. Claimant did not show that factors or circumstances beyond claimant's reasonable control prevented them from filing the appellant questionnaire response prior to Order No. 26-UI-315946 becoming final. Accordingly, under ORS 657.275(2) and OAR 471-041-0090, EAB did not consider the late appellant questionnaire response when reaching this decision.

FINDINGS OF FACT: (1) The April 12, 2023 overpayment decision, mailed to claimant's address on file with the Department on April 12, 2023, stated, "If you do not agree with this decision, you may file an appeal. You must file your appeal from this decision on or before May 2, 2023 to be timely." Exhibit 1 at 1. Claimant filed their request for hearing on February 5, 2025.

(2) Order No. 26-UI-323471, mailed to claimant's address on file with the Office of Administrative Hearings (OAH) on March 12, 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-323471 at 2. Order No. 26-UI-323471 also stated on its Certificate of Mailing, "Any party may appeal this Order by filing a Request for Review with the Employment Appeals Board no later than April 1, 2026." Claimant filed their application for review of Order No. 26-UI-323471 on April 7, 2026.

(3) From at least March 12, 2026 through April 7, 2026, claimant was "under a tremendous amount of stress . . . [and] mental overload" as they moved residences for reasons related to "[d]omestic violence and stalking." EAB Exhibit 1 at 1. These factors prevented claimant from filing an application for review of Order No. 26-UI-323471 until April 7, 2026.

CONCLUSIONS AND REASONS: Claimant's late application for review of Order No. 26-UI-323471 is allowed. Claimant's late request for hearing on the April 12, 2023 overpayment decision is dismissed.

Late Application for Review. 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-323471 was due by April 1, 2026. Claimant's application for review was filed on April 7, 2026, and was therefore late. Claimant submitted a statement with the application for review in which they described the circumstances causing the late filing as: "I am a victim of Domestic violence and stalking," and described the circumstances that prevented a timely filing as: "[D]uring this time I have been under a tremendous amount of stress, and I was moving, during the process, I had mental overload and was having a hard time understanding the letter I received." EAB Exhibit 1 at 1. In considering the totality of these circumstances, claimant has shown that they were prevented from timely filing the application for review of Order No. 26-UI-323471 by factors beyond their reasonable control. Therefore, good causes exists to extend the filing deadline. Furthermore,

because the late application for review was filed within seven days of the April 1, 2026 deadline, it was filed within a “reasonable time.” Accordingly, claimant’s late application for review of Order No. 26-UI-323471 is allowed.

Late Request for Hearing. 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 request for hearing on the April 12, 2023 overpayment decision was due by May 2, 2023. Claimant’s request for hearing was filed on February 5, 2025, and was therefore late. As previously stated, claimant’s late appellant questionnaire response is not part of the hearing record, and the record does not show why claimant was prevented from filing the request for hearing by the May 2, 2023 deadline. Accordingly, good cause has not been shown to extend the deadline, and the late request for hearing is therefore dismissed.

DECISION: Order No. 26-UI-323471 is affirmed.

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

DATE of Service: May 18, 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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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