

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0521

Reversed & Remanded

PROCEDURAL HISTORY: On March 10, 2026, 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 March 9, 2026 (decision # L0016822480). On March 30, 2026, decision # L0016822480 became final without claimant having filed a request for hearing. On May 2, 2026, claimant filed a late request for hearing decision # L0016822480.

On May 18, 2026, ALJ Parnell issued Order No. 26-UI-330492, dismissing claimant's late request for hearing based on claimant's withdrawal of their hearing request. On May 20, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is contained in the written argument claimant submitted with their application for review. This additional evidence has been marked as EAB Exhibit 1, and a copy 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) On March 10, 2026, the Department issued decision # L0016822480, which concluded that claimant had failed to provide identity verification information in accordance with the Department's rules and was ineligible for benefits beginning March 9, 2026. On May 2, 2026, claimant filed a late request for hearing decision # L0016822480.

(2) On May 14, 2026, claimant called the Office of Administrative Hearings (OAH) and spoke to a representative. The representative documented the call as follows: "The claimant called and stated that

his identity has been resolved by OED and that he is no longer in need for a hearing and wants his case to be closed.”¹

(3) Based on claimant’s May 14, 2026 call to OAH, on May 18, 2026, ALJ Parnell issued Order No. 26-UI-330492, dismissing claimant’s late request for hearing based on claimant’s withdrawal of their hearing request.

(4) On May 18, 2026, claimant filed an application for review of Order No. 26-UI-330492. In their written argument submitted with the application for review, claimant explained as follows:

I am writing you today to request another hearing that I had previously canceled due to unclear information. I had been manually cleared for my verification of identity and in doing so I was under the impression that the hearing would not be necessary. I now understand that the claims made from March 9th, 2026 through May 9th, 2026 would not be paid as I had canceled the hearing and would appreciate a chance to request another hearing[.]

EAB Exhibit 1 at 1.

CONCLUSIONS AND REASONS: Order No. 26-UI-330492 is reversed and the matter remanded for a hearing on whether claimant’s late request for hearing on decision # L0016822480 should be allowed, and if so, the merits of that decision.

ORS 657.270(7)(a)(A) provides, in pertinent part, that “[t]he administrative law judge may dismiss a request for hearing” if “[t]he request for hearing is withdrawn by the requesting party.”

Order No. 26-UI-330492 concluded that claimant “withdrew the request for hearing” and dismissed claimant’s request for hearing on that basis. Order No. 26-UI-330492 at 1. While the record shows that claimant withdrew the hearing request, the withdrawal was invalid and so Order No. 26-UI-330492 must be reversed.

Although ORS 657.270(7)(a)(A) authorizes an ALJ to dismiss a hearing request where the requesting party requests to withdraw, principles of due process require that a party’s withdrawal request be knowing and voluntary, meaning that the request must not be the result of a reasonable mistaken belief. Here, claimant verified their identity at some point after making their late hearing request and mistakenly believed that by doing so they would be eligible to receive benefits for the claims they made from March 9, 2026 through May 9, 2026. This gave them the impression that having a hearing on decision # L0016822480 was unnecessary. After withdrawing the hearing request, claimant came to understand that their identity verification was not retroactive and they remained ineligible for benefits for the period of March 9, 2026 through May 9, 2026.

¹ EAB has taken notice of the facts contained in this paragraph, which are contained in Employment Department records. OAR 471-041-0090(1) (May 13, 2019). 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 noticed facts will remain in the record.

These facts are sufficient to give rise to claimant's reasonable but mistaken belief that they did not need to proceed with the hearing on decision # L0016822480 to receive benefits, and that they should withdraw their hearing request. Because claimant's request to withdraw was the result of a reasonable mistaken belief and therefore was not a knowing and voluntary withdrawal, the hearing request was not withdrawn consistent with due process principles and as a result the dismissal of claimant's hearing request must be reversed.

Accordingly, this matter is reversed and remanded for a hearing on whether claimant's late request for hearing on decision # L0016822480 should be allowed, and if so, the merits of the decision.

DECISION: Order No. 26-UI-330492 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: June 26, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-330492 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

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 الاستئناف 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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