

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0529

Reversed
Requests to Reopen Allowed
Merits Hearing Required

PROCEDURAL HISTORY: On November 14, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged by the employer for misconduct and disqualified from receiving benefits effective October 12, 2025 (decision # L0014076897).¹ Claimant filed a timely request for hearing. On January 21, 2026, notice was mailed to the parties that a hearing was scheduled for February 3, 2026. On February 3, 2026, claimant filed to appear for the hearing, and ALJ Blam issued Order No. 26-UI-319049, dismissing claimant's request for hearing due to his failure to appear. Later on February 3, 2026, claimant filed a request to reopen the hearing. On March 11, 2026, notice was mailed to the parties that a hearing was scheduled for March 25, 2026. On March 25, 2026, claimant failed to appear for the hearing, and ALJ Blam issued Order No. 26-UI-324977, denying claimant's request to reopen the February 3, 2026 hearing due to his failure to appear, and leaving Order No. 26-UI-319049 undisturbed. On March 31, 2026, claimant filed a request to reopen the March 25, 2026 hearing. On April 29, 2026, ALJ Janzen conducted a hearing, and on April 30, 2026 issued Order No. 26-UI-328818, denying claimant's request to reopen the March 25, 2026 hearing and leaving Orders No. 26-UI-324977 and 26-UI-319049 undisturbed. On May 19, 2026, claimant filed an application for review of Order No. 26-UI-328818 with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant did not state that he provided a copy of his argument to the employer as required by OAR 471-041-0080(2)(a) (May 13, 2019). The argument also contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented him from offering the information during the hearing as

¹ Decision # L0014076897 stated that claimant was denied benefits from October 12, 2025 to June 27, 2026. However, decision # L0014076897 should have stated that claimant was disqualified from receiving benefits beginning October 12, 2025, and until he earned four times his weekly benefit amount. See ORS 657.176.

required by OAR 471-041-0090 (May 13, 2019). EAB considered only the information received into evidence at the hearing. *See* ORS 657.275(2).

FINDINGS OF FACT: (1) On November 19, 2025, claimant filed a timely request for hearing on decision # L0014076897. In that request, claimant provided his address as an apartment in Tigard, Oregon.

(2) On January 21, 2026, the Office of Administrative Hearings (OAH) mailed notice of a hearing scheduled for February 3, 2026 at 10:45 a.m. Claimant received the notice prior to February 2, 2026, and planned to participate in the hearing.

(3) On February 2, 2026, claimant was unexpectedly hospitalized. After his admission that day, claimant regained consciousness in the afternoon of February 3, 2026, after the hearing had taken place. Later that day, claimant filed a request to reopen the hearing by email.

(4) At some time between approximately February 10 and 15, 2026, claimant left his apartment in Tigard. By February 17, 2026, claimant had made arrangements to enter inpatient substance abuse treatment from February 23, 2026 through April 3, 2026. Prior to entering the treatment facility, claimant requested that the Postal Service forward mail from his apartment to his parent's home. Claimant told his parents that he was expecting a notice of hearing to arrive, and arrangements were made for a neighbor to check his parents' mail each day if his parents were unavailable to do so. Claimant did not update his address with OAH at that time.

(5) On March 11, 2026, OAH mailed notice of a hearing scheduled for March 25, 2026 at 9:30 a.m. to the Tigard apartment address. It was subsequently delivered to claimant's parents' address on March 25, 2026, and retrieved by the neighbor that day after the hearing had been held. Claimant's parents told him about the notice by phone later that day.

(6) On March 31, 2026, claimant filed a request to reopen the March 25, 2026 hearing.

CONCLUSIONS AND REASONS: Claimant's requests to reopen the March 25, 2026 and February 3, 2026 hearings are allowed, and a hearing on the merits of decision # L0014076897 is required.

ORS 657.270(5) states that any party who failed to appear at a hearing may request to reopen the hearing, and the request will be allowed if it was filed within 20 days of the date the hearing decision was issued and shows good cause for failing to appear. "Good cause" exists when the requesting party's failure to appear at the hearing arose from an excusable mistake or from factors beyond the party's reasonable control. OAR 471-040-0040(2) (February 10, 2012). The party requesting reopening must state the reason(s) for missing the hearing in a written statement, which the Office of Administrative Hearings (OAH) shall consider in determining whether good cause exists for failing to appear at the hearing. OAR 471-040-0040(3). Per OAR 471-040-0040(2)(b)(A), good cause does not include "[f]ailure to receive a document due to not notifying the Employment Department or Office of Administrative Hearings of an updated address while the person is claiming benefits or if the person knows, or reasonably should know, of a pending appeal[.]" Each of claimant's timely requests to reopen met the threshold requirements for consideration.

March 25, 2026 Hearing. Claimant failed to appear at the March 25, 2026 hearing because he was unaware that the hearing had been scheduled. The order under review concluded that claimant's lack of awareness of the hearing resulted from his failure to update his address with OAH, and therefore a finding of good cause was precluded by OAR 471-040-0040(2)(b)(A). Order No. 26-UI-328818 at 4. The record does not support this conclusion.

Although claimant stopped receiving mail at his apartment by approximately February 15, 2026, and did not provide OAH with an alternate address at that time, he made alternate arrangements for the receipt of his mail that he reasonably believed would allow for timely arrival of correspondence from OAH. When claimant stopped receiving mail at his apartment, it was in anticipation of his entering inpatient treatment for several weeks, during which he, presumably, would have difficulty reliably receiving mail. Claimant therefore arranged for mail sent to his apartment to be forwarded to his parents' home, and since claimant was expecting notice of a hearing from OAH imminently, he arranged for either his parents or their neighbor to check the mail every day and immediately alert him to correspondence from OAH. It can reasonably be inferred that the delay in delivery of the March 11, 2026 notice of hearing was attributable to the mail forwarding process, which could have been avoided if claimant had provided his parents' address directly to OAH prior to entering inpatient treatment on February 23, 2026. However, given the totality of claimant's efforts to ensure that he was timely apprised of OAH correspondence, his reliance on Postal Service forwarding rather than providing his parents' address to OAH was an excusable mistake. Therefore, claimant's request to reopen the March 25, 2026 hearing is allowed.²

February 3, 2026 Hearing. Claimant failed to appear at the February 3, 2026 hearing because he was hospitalized when it occurred. Claimant testified that the hospitalization began the previous day, and that he "came to" in the afternoon of February 3, 2026, after the hearing had concluded. Audio Record at 20:49. This hospitalization was a factor beyond claimant's reasonable control that prevented him from attending the hearing, and his request to reopen the February 3, 2026 hearing is therefore allowed.

For these reasons, claimant's requests to reopen the March 25, 2026 and February 3, 2026 hearings are allowed, and the matter remanded for a hearing on the merits of decision # L0014076897.

DECISION: Order No. 26-UI-328818 is reversed. Claimant's requests to reopen the March 25, 2026 and February 3, 2026 hearings are allowed, and the matter is remanded for a hearing on the merits of decision # L0014076897.

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

DATE of Service: June 29, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-328818 or return this matter to EAB. Only a timely application for review of the order mailed to the parties after the remand hearing will return this matter to EAB.

² The April 29, 2026 hearing did not directly address claimant's request to reopen the February 3, 2026 hearing because the request to reopen the March 25, 2026 hearing was denied. However, the record contains enough information regarding claimant's reasons for having missed the February 3, 2026 hearing for EAB to also resolve that request.

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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

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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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