

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0566

Reversed
Late Request for Hearing Allowed
Merits Hearing Required

PROCEDURAL HISTORY: On February 19, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged for misconduct, and therefore was disqualified from receiving unemployment insurance benefits effective January 11, 2026 (decision # L0016182868).¹ On March 11, 2026, decision # L0016182868 became final without claimant having filed a request for hearing. On May 11, 2026, claimant filed a late request for hearing on decision # L0016182868.

ALJ Kangas considered claimant's request, and on May 14, 2026 issued Order No. 26-UI-330247, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by May 28, 2026. On May 31, 2026, claimant filed a late response to the appellant questionnaire and a timely application for review of Order No. 26-UI-330247 with the Employment Appeals Board (EAB).²

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is claimant's response to the appellant questionnaire, 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.

¹ Decision # L0016182868 stated that claimant was denied benefits from January 11, 2026 to November 14, 2026. However, decision # L0016182868 should have stated that claimant was disqualified from receiving benefits beginning Sunday, January 11, 2026 and until they earned four times their weekly benefit amount. See ORS 657.176.

² Claimant filed with their application for review a written statement entered on a Late Application for Review form. However, as claimant's application for review was timely filed, and the responses on the form appear to pertain to the reason they filed the late request for hearing, this statement is construed as a response to the appellant questionnaire.

FINDINGS OF FACT: (1) On December 9, 2025, the Department served notice of an administrative decision denying claimant benefits on the basis that claimant had failed to verify their identity as required (decision # L0014550806). On February 18, 2026, claimant filed a request for hearing on decision # L0014550806. With their request for hearing on decision # L0014550806, claimant included a written statement pertaining to their separation from work, rather than the identity verification issue.³

(2) On February 19, 2026, the Department mailed decision # L0016182868 to claimant's address on file with the Department. Decision # L0016182868 stated, "You have the right to appeal our decision and request a hearing if you believe our decision is wrong. We must receive your request for a hearing no later than **March 11, 2026.**" Exhibit 1 at 2 (emphasis in original).

(3) On May 11, 2026, a hearing was held on the timeliness of claimant's request for hearing on decision # L0014550806.⁴ During that hearing, claimant learned that they had filed a request for hearing on the wrong administrative decision. On the same day, claimant filed a request for hearing on decision # L0016182868 (the decision at issue in this matter). Claimant later called the Department to confirm that they had filed their request for hearing "correctly" and the Department confirmed that claimant had done so.

CONCLUSIONS AND REASONS: Order No. 26-UI-330247 is reversed and this matter remanded for a hearing on the merits of decision # L0016182868.

ORS 657.269 provides 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 provides that the 20-day deadline may be extended a "reasonable time" upon a showing of "good cause." OAR 471-040-0010 (February 10, 2012) provides 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 ceased to exist.

The request for hearing on decision # L0016182868 was due by March 11, 2026. Because claimant did not file their request for hearing until May 11, 2026, the request was late. However, the record shows that claimant had good cause for filing the late request for hearing. On their response to the appellant questionnaire, claimant indicated that they had attempted to file a request for hearing on decision # L0016182868 via Frances Online, but later learned that they had inadvertently filed a request for hearing on a different administrative decision. EAB Exhibit 1 at 1. Department records support this explanation.

Department records show that on December 9, 2025, the Department issued decision # L0014550806, which denied claimant benefits on the basis that they had failed to verify their identity as required; that

³ EAB has taken notice of these facts, which are contained in Employment Department records. OAR 471-041-0090(1). 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.

⁴ EAB has taken notice of these facts, 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.

on February 18, 2026, claimant filed a request for hearing on decision # L0014550806;⁵ and that with this request for hearing, claimant included a statement pertaining to their separation from work, rather than the identity verification issue. Although the Department did not mail decision # L0016182868 until February 19, 2026, more likely than not claimant was able to view the decision in their Frances account on February 18, 2026, prompting their request for hearing and statement related to the work separation that day. Department records show that on May 11, 2026, a hearing was held on the timeliness of claimant's request for hearing on decision # L0014550806; and that on the same day, claimant filed a request for hearing on decision # L0016182868 (the decision at issue in this matter), following up with the Department that day to confirm they had filed the request correctly.

Thus, the record shows that claimant erroneously filed a request for hearing on the wrong administrative decision that, but for the error, would have been timely as to decision # L0016182868. Additionally, claimant contacted the Department to confirm that they had correctly appealed the decision, and was told that they had done so correctly. As such, claimant failed to file a timely request for hearing on decision # L0016182868 due to an excusable mistake.

Further, claimant filed their late request for hearing within a reasonable time. Claimant indicated on their response to the appellant questionnaire that they were "not made aware of the situation [i.e., that they had failed to file a timely request for hearing] until [their] hearing with the judge when [claimant] was made aware of the problem." EAB Exhibit 1 at 1. Thus, the circumstances which prevented claimant from timely filing their request for hearing did not end until that date. Given that claimant filed their late request for hearing on the same day, they did so within a reasonable time.

For the above reasons, claimant had good cause for failing to file a timely request for hearing, and filed their late request for hearing within a reasonable time. Claimant's late request for hearing on decision # L0016182868 therefore is allowed, and claimant is entitled to a hearing on the merits of that decision.

DECISION: Order No. 26-UI-330247 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: July 7, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-330247 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.

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⁵ Decision # L0016182868 was mailed on February 19, 2026, a day *after* claimant filed the request for hearing that was intended to appeal that decision. This apparent discrepancy can be resolved by the fact that administrative decisions are typically available for viewing on Frances Online the business day before physical copies of the decisions are mailed.



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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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