

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0589

Late Application for Review Allowed
Order No. 26-UI-325903 Affirmed
April 3, 2026 Request to Reopen Denied

PROCEDURAL HISTORY: On December 15, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause, and therefore was disqualified from receiving unemployment insurance benefits effective November 9, 2025 (decision # L0014675298).¹ Claimant filed a timely request for hearing. On January 13, 2026, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for January 28, 2026. On January 28, 2026, claimant failed to appear at the hearing, and ALJ Enyinnaya issued Order No. 26-UI-318360, dismissing claimant's request for hearing due to their failure to appear. On January 30, 2026, claimant filed a timely request to reopen the January 28, 2026 hearing.

On March 17, 2026, OAH served notice of a hearing scheduled for April 2, 2026. On April 2, 2026, claimant failed to appear at the hearing, and ALJ Enyinnaya issued Order No. 26-UI-325903, denying claimant's request to reopen the January 28, 2026 hearing due to claimant's failure to appear at the April 2, 2026 hearing. On April 3, 2026, claimant filed a timely request to reopen the April 2, 2026 hearing. ALJ Scott considered claimant's request, and on April 21, 2026, issued Order No. 26-UI-327781, denying the request as without good cause and leaving Order No. 26-UI-325903 undisturbed. On May 11, 2026, Order No. 26-UI-325903 became final without claimant having filed an application for review with the Employment Appeals Board (EAB). On June 8, 2026, claimant filed a late application for review of Order No. 26-UI-325903 with EAB.

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence consists of claimant's written statement enclosed with the late 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

¹ Decision # L0014675298 stated that claimant was denied benefits from November 9, 2025 to November 7, 2026. However, decision # L0014675298 should have stated that claimant was disqualified from receiving benefits beginning Sunday, November 9, 2025 and until they earned four times their weekly benefit amount. See ORS 657.176.

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.

WRITTEN ARGUMENT: Claimant did not state that they provided a copy of their 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 record, and was not relevant and material to EAB's determination of whether claimant's April 3, 2026 reopen request should be allowed, as that information pertained to the merits of decision # L0014675298 (regarding claimant's separation from work). ORS 657.275(2) and OAR 471-041-0090(1)(b)(A). EAB considered only the information received into the record when reaching this decision. *See* ORS 657.275(2).

FINDINGS OF FACT: (1) Order No. 26-UI-327781, mailed to claimant on April 21, 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-327781 at 3. Order No. 26-UI-327781 also stated on its Certificate of Mailing, "Any appeal from this Order must be filed on or before May 11, 2026 to be timely."

(2) On May 3, 2026, claimant sent an email to eab@employ.oregon.gov, which was not a valid email address for EAB, and the email therefore was not delivered to EAB. EAB Exhibit 1 at 2. In the email, claimant requested review of the denial of claimant's April 3, 2026 reopen request. EAB Exhibit 1 at 2.

(3) On June 8, 2026, claimant sent an email to OED_EAB_OFFICE@oregon.gov, which was a valid email address for EAB. EAB Exhibit 1 at 3. In the email, claimant stated, "The unemployment department advised that I write you to request confirmation that you received my appeal on MAY 3RD, and to find out next steps." EAB Exhibit 1 at 3 (emphasis in original).

CONCLUSIONS AND REASONS: Claimant's late application for review is allowed.

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-327781 was due by May 11, 2026. Because claimant did not file their application for review until June 8, 2026, the application for review was late. However, the record shows that claimant had good cause for filing the late application for review.

On May 3, 2026, claimant attempted to file what would otherwise have been a timely application for review, but sent the application for review to an invalid email address. As a result, the application for review was not delivered to EAB. On the statement enclosed with claimant's *late* application for review, claimant stated that the Department had advised them to contact EAB and requested confirmation of

EAB's receipt of the earlier email. Given this, and that the email was sent to the correct email address, it can be reasonably inferred that claimant was not yet aware of the fact that they had sent the original email to an invalid address. As such, claimant failed to file a timely application for review due to factors or circumstances beyond their reasonable control. Further, as those factors or circumstances persisted until at least June 8, 2026, claimant filed the late application for review within a reasonable time. Therefore, claimant's late application for review is allowed.

ADOPTION OF HEARING ORDER: EAB considered the entire hearing record, including witness testimony and any exhibits admitted as evidence. EAB agrees with Order No. 26-UI-327781's findings of fact, reasoning, and conclusion that claimant's request to reopen the April 2, 2026 hearing should be denied. Order No. 26-UI-327781 is **adopted**. See ORS 657.275(2).

DECISION: The application for review filed June 8, 2026 is allowed. Order No. 26-UI-327781 is affirmed.

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

DATE of Service: July 15, 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 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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