

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0622

Late Application for Review Allowed
Reversed ~ Eligible Week 52-24

La Aplicación Tardía Para Revisión De La Orden Judicial Es Permitida
Orden Judicial es Revocada ~ Elegible la Semana 52-24

Este documento incluye información importante que no ha sido traducida al español. Llame a la Junta de Apelaciones de Empleo (EAB) al 503-378-2077 para obtener servicios de traducción gratuitos.¹

PROCEDURAL HISTORY: On April 6, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant filed a late claim for unemployment insurance benefits for the week of December 22 through 28, 2024 (week 52-24), and was therefore ineligible to receive benefits for that week (decision # L0016972676). Claimant filed a timely request for hearing. On May 7, 2026 and continuing on May 26, 2026, ALJ Frank conducted a hearing interpreted in Spanish, and on June 3, 2026 issued Order No. 26-UI-331900, affirming decision # L0016972676. On June 23, 2026, Order No. 26-UI-331900 became final without claimant having filed an application for review with the Employment Appeals Board (EAB). On June 25, 2026, claimant filed a late application for review of Order No. 26-UI-331900 with EAB.

HISTORIA DEL CASO: El 6 de abril de 2026, el Departamento de Empleo de Oregón (el Departamento) notificó una decisión administrativa en la que se determinaba que la reclamante había presentado fuera de plazo una solicitud de beneficios del seguro de desempleo correspondientes a la semana del 22 al 28 de diciembre de 2024 (semana 52-24) y que, por consiguiente, no cumplía con los requisitos para recibir beneficios por esa semana (decisión # L0016972676). La reclamante presentó una solicitud de audiencia oportuna. El 7 de mayo de 2026, y continuando el 26 de mayo de 2026, el juez de derecho administrativo (ALJ) Frank hizo una audiencia con servicio de interpretación al español y, el 3 de junio de 2026, emitió la Orden No. 26-UI-331900, mediante la cual se confirmaba la

¹ This document includes important information that has not been translated into Spanish. Please call the Employment Appeals Board (EAB) at 503-378-2077 to obtain free translation services.

decisión # L0016972676. El 23 de junio de 2026, la Orden No. 26-UI-331900 se hizo final sin que la reclamante hubiera presentado una aplicación para revisión de la orden judicial ante la Junta de Apelaciones de Empleo (EAB). El 25 de junio de 2026, la reclamante presentó ante la EAB una aplicación tardía para revisión de la Orden No. 26-UI-331900.

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

ASUNTO DE PRUEBAS: *EAB ha considerado evidencia adicional al llegar a esta decisión bajo OAR 471-041-0090(1) (13 de mayo de 2019). La prueba adicional es la declaración por escrito que acompaña a la aplicación de revisión presentada por la reclamante y se ha marcada como EAB Exhibit 1 (Prueba documental EAB 1), y se ha proporcionada a las partes con esta decisión. Cualquier parte que se oponga a que EAB tome aviso de esta información debe enviar su objeción a EAB por escrito, explicando por qué se opone, dentro de los diez días posteriores a la notificación de esta decisión por parte de EAB. OAR 471-041-0090(2). A menos que EAB reciba y esté de acuerdo con la objeción, las pruebas permanecerán en el registro del caso.*

WRITTEN ARGUMENT: EAB did not consider claimant's argument because it was not relevant and material to EAB's determination of the timeliness of the continued claim for week 52-24. ORS 657.275(2) and OAR 471-041-0090(1)(b)(A) (May 13, 2019).

ARGUMENTO POR ESCRITO: *La EAB no consideró el argumento de la reclamante porque no era relevante ni material para la decisión de EAB sobre la presentación oportuna del reclamo correspondiente a la semana 52-24. ORS 657.275(2) y OAR 471-041-0090(1)(b)(A) (13 de mayo de 2019).*

FINDINGS OF FACT: (1) On November 5, 2024, claimant filed an initial claim for unemployment insurance benefits. The Department determined that the claim was monetarily valid with an effective date of November 3, 2024.

(2) On November 22, 2024, claimant logged into Frances Online to file continued claims for the weeks of November 3 through 16, 2024 (weeks 45-24 and 46-24), but had difficulty doing so and did not file a claim for either week. Later that day, claimant emailed a WorkSource office requesting that they assist her with filing those weekly claims. Neither WorkSource nor the Department replied to the email or assisted claimant in filing the claims.²

² 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.

(3) Neither Frances Online nor the Department's telephone claim filing system allows a claimant to file a continued claim for benefits for a week unless either a continued claim has been filed for the previous week, or the week to be claimed begins with the effective date of an initial, additional, or reopened claim.³

(4) As of March 13, 2026, claimant had not successfully filed any continued claims on the initial claim that was effective November 3, 2024. On March 13, 2026, claimant spoke with a Department representative by telephone, inquiring why she had never received payment on the claim, and was told it was because no continued claims had been filed. The representative told claimant to gather information needed to file late continued claims and that they would speak again the following week.

(5) On March 16, 2026, the representative sent claimant blank continued claim forms. In the following days, claimant used the forms to file continued claims for the weeks of November 3, 2024 through April 19, 2025 (weeks 45-24 through 16-25) and May 18 through 31, 2025 (weeks 21-25 and 22-25).⁴ The continued claim for week 52-24 was filed on March 18, 2026.⁵

(6) The Department allowed claimant's continued claims for the weeks of November 3 through 23, 2024 (weeks 45-24 through 47-24), granting waiting week credit for week 45-24 and issuing payment for weeks 46-25 and 47-25. The Department denied the remaining continued claims as late and did not pay benefits for those weeks. In allowing the continued claims for weeks 45-24 through 47-24, the adjudicator noted:

Even though the claimant did not face any obstacles to claim this week and were able to access Frances with the language set up as default as Spanish, the claimant did reach out to WSO via email on 11/22/24 at 1:33 PM, which was the last day they could have reach[ed] out for help from WSO or any OED office to restart their claim. After verifying with lead . . . the claimant's request is allowed.⁶

(7) At some point between the May 26, 2026 hearing and May 30, 2026, claimant contacted either the Department or the Office of Administrative Hearings (OAH) and told them that she was being forced to

³ EAB has taken notice of these facts, which are within EAB's specialized knowledge. 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 An additional claim was filed and backdated to be effective May 18, 2025, so that the late weekly claims for weeks 21-25 and 22-25 could be entered into the Department's system.

⁵ 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.

⁶ 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.

leave her apartment on May 30, 2026, and expected to thereafter stay in various shelters where she would be unable to receive mail. Claimant therefore requested that the order in this matter be emailed to her when it was issued. Claimant also sent electronic messages to the Department in June 2026 asking if an order had been issued.

(8) Order No. 26-UI-331900, mailed to claimant's address on file with OAH (which was the apartment she vacated on May 30, 2026) on June 3, 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-331900 at 3. Order No. 26-UI-331900 also stated on its Certificate of Mailing, "Any appeal from this Order must be filed on or before June 23, 2026 to be timely." Claimant did not receive either the mailed order or an emailed copy of it by June 23, 2026.

(9) On June 24, 2026, an OAH representative called claimant, apparently in response to her earlier status inquiries, and told her that the order had been issued and became final on June 23, 2026.

(10) On June 25, 2026, claimant filed a late application for review of Order No. 26-UI-331900.

CONCLUSIONS AND REASONS: Claimant's late application for review is allowed. Claimant's continued claim for week 52-24 is allowed.

CONCLUSIONES Y RAZONES: *Se permite la aplicación de revisión presentada fuera de plazo por la reclamante. Se permite el reclamo de la reclamante correspondiente a la semana 52-24.*

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-331900 was due by June 23, 2026. Claimant's application for review was filed on June 25, 2026, and was therefore late. Claimant wrote in a statement accompanying her application for review that she contacted "the appropriate office" to tell them that she would be vacating her apartment on May 30, 2026, and would not have an address at which to receive mail thereafter, and requested that the order be sent to her by email when issued. EAB Exhibit 1 at 1. Claimant therefore did not receive the mailed copy of the order, which was sent on June 3, 2026 to her former address. Claimant also did not receive an emailed copy of the order until after a June 24, 2026 conversation with an OAH representative.

In considering claimant's limited ability to receive mail at the time Order No. 26-UI-331900 was issued, and her efforts to keep OAH apprised of the situation and receive a copy of the order electronically, her failure to timely receive the order was a factor beyond her reasonable control that prevented timely filing of the application for review. Good cause has therefore been shown to extend the filing deadline.

Furthermore, because the application for review was filed within seven days of the timely filing deadline, it was necessarily failed within a seven day “reasonable time” after the factor that prevented timely filing ended. Accordingly, claimant’s late application for review is allowed.

Claim for Week 52-24. OAR 471-030-0045 (January 11, 2018) provides:

(1) As used in these rules, unless the context requires otherwise:

(a) “Continued Claim” means an application that certifies to the claimant’s completion of one or more weeks of unemployment and to the claimant’s status during these weeks. The certification may request benefits, waiting week credit, or non-compensable credit for such week or weeks. A continued claim must follow the first effective week of an initial, additional or reopen claim, or the claimant’s continued claim for the preceding week;

* * *

(2) A claimant, in order to obtain benefits, waiting week credit, or non-compensable credit for a week of unemployment, must file a continued claim for the week by any method approved by the Director.

* * *

(4) A continued claim must be filed no later than seven days following the end of the week for which benefits, waiting week credit, or noncompensable credit, or any combination of the foregoing is claimed, unless:

(a) The continued claim is for the first effective week of the benefit year, in which case the week must be claimed no later than 13 days following the end of the week for which waiting week credit is claimed[.]

* * *

(5) The Director may, with respect to individual claimants or groups of claimants, direct that continued claims be filed on any reporting schedule appropriate to existing facilities and conditions.

* * *

Under OAR 471-030-0045(4), the deadline by which to file a continued claim for week 52-24 was January 4, 2025, seven days after the end of the benefit week. Claimant filed the continued claim for week 52-24 on March 18, 2026. The order under review concluded that because the claim was not filed by January 4, 2025, it was late, and claimant was therefore ineligible to receive benefits for that week. Order No. 26-UI-331900 at 3. However, the order failed to consider whether the Department imposed a barrier to claimant timely filing the claim that would justify modification of her reporting schedule under OAR 471-030-0045(5).

Claimant's initial claim for benefits had an effective date of November 3, 2024. On November 22, 2024, claimant attempted to file timely continued claims for the weeks of November 3 through 16, 2024 (weeks 45-24 and 46-24) using Frances Online, but for unknown reasons was unable to do so. Later on November 22, 2024, claimant emailed WorkSource requesting assistance in filing those claims, but that assistance was never provided. For that reason, when claimant filed late claims for weeks 45-24 and 46-24 in March 2026, the Department allowed them, presumably under its OAR 471-030-0045(5) authority.

The Department also allowed claimant's late claim for the week of November 17 through 23, 2024 (week 47-24), filed in March 2026, even though the timely filing period for that week had not yet commenced when claimant sent her November 22, 2024 email. It is reasonable to infer that the Department concluded that claimant also faced a barrier to timely claiming week 47-24 because the failure to respond to her request for assistance in claiming the previous two benefit weeks meant that Frances Online and the telephone filing system would not accept her continued claim for week 47-24 during the timely filing period, and that it was therefore appropriate to allow the late claim under the authority of OAR 471-030-0045(5). Because this barrier to filing existed with respect to each consecutive benefit week continuing through and after week 52-24, it stands to reason that the Department's OAR 471-030-0045(5) authority should similarly be applied to allow an alternate reporting schedule for week 52-24, such that claimant's continued claim for that week is considered timely. Accordingly, claimant's continued claim for week 52-24 is allowed, and she is eligible to receive unemployment insurance benefits for that week if all other eligibility requirements are met.

DECISION: Claimant's late application for review is allowed. Order No. 26-UI-331900 is set aside, as outlined above.

DECISIÓN: *Se permite la aplicación de revisión presentada fuera de plazo por la reclamante. Se permite el reclamo de la reclamante correspondiente a la semana 52-24. La Orden de la Audiencia 26-UI-331900 se deja a un lado, de acuerdo a lo indicado arriba.*

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

DATE of Service: August 4, 2026

FECHA de Servicio: 4 de agosto de 2026

NOTE: This decision reverses the ALJ's order denying claimant benefits. Please note that in most cases, payment of benefits owed will take about a week for the Department to complete.

NOTA: *Esta decisión revoca una orden judicial que niega los beneficios a la reclamante. Tenga en cuenta que, en la mayoría de los casos, el pago de los beneficios adeudados tardará aproximadamente una semana en completarse.*

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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NOTA: *Puede apelar esta decisión presentando una Petición de Revisión Judicial ante la Corte de Apelaciones de Oregon (Oregon Court of Appeals) dentro de los 30 días siguientes a la fecha de entrega de esta decisión indicada arriba. Vea ORS 657.282. Para obtener formularios e información, visite <https://www.courts.oregon.gov/courts/appellate/forms/Pages/appeal.aspx> y elija el formulario para “Junta de Apelaciones Laborales”. En este sitio web, hay información disponible en español. Puede solicitar un intérprete para la Corte en <https://web.courts.oregon.gov/osca/clas/CLASRequestFormRedirect.html> También puede comunicarse con la Corte de Apelaciones por teléfono al (503) 986-5555, por fax al (503) 986-5560 o por correo a 1163 State Street, Salem, Oregon 97301.*

Por favor, ayúdenos a mejorar nuestro servicio completando una encuesta de servicio al cliente. Para completar la encuesta en línea, vaya a <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. Si no puede completar la encuesta en línea y desea obtener una copia impresa de la encuesta, comuníquese con nuestra oficina.



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.

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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