

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0679

Reversed ~ Late Request for Hearing Allowed
Merits Hearing Required

Revocada ~ La Petición Tardía Para Una Audiencia Es Permitida
Se Requiere una Audiencia Sobre los Méritos

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 January 6, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was unable to work and therefore ineligible to receive unemployment insurance benefits, effective October 12, 2025 and until the reason for the denial ended, and assessing an overpayment of \$2,394 that claimant was liable to repay to the Department (decision # L0015087820).² On January 26, 2026, decision # L0015087820 became final without claimant having filed a request for hearing. On April 14, 2026, claimant filed a late request for hearing. ALJ Scott considered the request, and on May 7, 2026 issued Order No. 26-UI-329583, dismissing the request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by May 21, 2026. On May 19, 2026, claimant filed a timely appellant questionnaire response.

On June 24, 2026, the Office of Administrative Hearings (OAH) mailed a letter to the parties stating that Order No. 26-UI-329583 was vacated and that a hearing would be scheduled to determine whether

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.

² Decision # L0015087820 stated that claimant was denied benefits from October 12, 2025 through October 10, 2026. However, this appears to be in error because the issue of whether a claimant is able to work is determined for each week claimed, and therefore cannot end on a definite date in the future, but instead should continue until the reason for the denial ends.

claimant's late request for hearing should be allowed and, if so, the merits of decision # L0015087820. On July 6, 2026, ALJ Hall conducted a hearing, interpreted in Spanish, at which the employer failed to appear, and on July 14, 2026 issued Order No. 26-UI-334938, re-dismissing claimant's request for hearing as late without good cause and leaving decision # L0015087820 undisturbed. On July 29, 2026, claimant filed an application for review of Order No. 26-UI-334938 with the Employment Appeals Board (EAB).

HISTORIA PROCESAL DEL CASO: *El 6 de enero de 2026, el Departamento de Empleo de Oregón (el Departamento) notificó una decisión administrativa que concluyó que la reclamante no estaba capaz de trabajar y, por consiguiente, no era eligible para recibir beneficios del seguro de desempleo a partir del 12 de octubre de 2025 y hasta que pudo trabajar, estableciéndose además un sobrepago de \$2,394 dólares que la reclamante estaba obligada a reembolsar al Departamento (decisión No. L0015087820). El 26 de enero de 2026, la decisión No. L0015087820 quedó definitiva al no haber presentado la reclamante una solicitud de audiencia. El 14 de abril de 2026, la reclamante presentó una solicitud de audiencia tardía. La jueza de derecho administrativo (ALJ) Scott revisó la solicitud y, el 7 de mayo de 2026, emitió la Orden No. 26-UI-329583, desestimando la solicitud de audiencia por ser tarde, sin perjuicio del derecho de la reclamante a renovar su petición respondiendo a un cuestionario para apelantes antes del 21 de mayo de 2026. El 19 de mayo de 2026, la reclamante presentó su respuesta al cuestionario para apelantes a tiempo.*

El 24 de junio de 2026, la Oficina de Audiencias Administrativas (OAH) envió una carta a las partes informando que la Orden No. 26-UI-329583 había sido anulada y que se programaría una audiencia para determinar si debía admitirse la solicitud de audiencia tardía presentada por la reclamante y, de ser así, examinar los méritos de la decisión No. L0015087820. El 6 de julio de 2026, el juez de derecho administrativo (ALJ) Hall celebró una audiencia, con servicio de interpretación al español, y a la cual el empleador no compareció. El 14 de julio de 2026, el juez emitió la Orden No. 26-UI-334938, desestimando nuevamente la solicitud de audiencia de la reclamante por haber sido presentada fuera de plazo y sin causa justificada, y manteniendo vigente la decisión No. L0015087820. El 29 de julio de 2026, la reclamante presentó ante la Junta de Apelaciones de Empleo (EAB) una solicitud de revisión de la Orden No. 26-UI-334938.

WRITTEN ARGUMENT: EAB considered claimant's argument in reaching this decision.

ARGUMENTO POR ESCRITO: *La EAB tomó en consideración el argumento de la reclamante al determinar esta decisión.*

FINDINGS OF FACT: (1) In October 2025, claimant filed an initial claim for unemployment insurance benefits that the Department determined was monetarily valid. Most correspondence sent to claimant thereafter by the Department was in Spanish, including a January 6, 2026 administrative decision concluding that claimant had voluntarily quit work without good cause and was therefore disqualified from receiving benefits effective November 23, 2025 (decision # L0015089022).³ Claimant's primary language is Spanish, though she has a limited understanding of English.

³ EAB has taken notice of this fact, which is 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 fact will remain in the record.

(2) Also on January 6, 2026, the Department issued decision # L0015087820, written in English, which claimant viewed in her Frances Online account on January 8, 2026. Decision # L0015087820 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 **January 26, 2026.**” Exhibit 1 at 36 (emphasis in original). Claimant did not understand decision # L0015089820 because it was not written in Spanish and believed it was a duplicate of the work separation decision issued the same day that was written in Spanish.

(3) On January 15, 2026, claimant contacted the Department by telephone and spoke with a representative in English. Claimant requested a hearing on the work separation decision, which was successfully filed during the call. The representative did not mention decision # L0015087820 or ask whether claimant also wanted to appeal that decision. Decision # L0015089022 was ultimately reversed on appeal.

(4) On April 14, 2026, claimant had her son contact the Department by telephone to inquire about the payment of benefits following her successful appeal of decision # L0015089022. Claimant’s son was told about decision # L0015087820. Claimant then spoke with a representative, in Spanish, and filed a late request for hearing on decision # L0015087820 during the call.

CONCLUSIONS AND REASONS: Claimant’s late request for hearing is allowed and a hearing on the merits of decision # L0015087820 is required.

CONCLUSIONES Y RAZONES: *Se permite la solicitud de audiencia presentada fuera de plazo por la reclamante y resulta necesaria una audiencia sobre los méritos de la decisión No. L0015087820.*

ORS 657.269 states 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 states that the 20-day deadline may be extended a “reasonable time” upon a showing of “good cause.” OAR 471-040-0010 (February 10, 2012) states 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 ended. Under OAR 471-040-0010(1)(b)(B), “good cause” does not include a failure to understand the implications of a decision or notice when it is received.

The request for hearing on decision # L0015087820 was due by January 26, 2026. Claimant’s request for hearing was filed on April 14, 2026, and was therefore late. Claimant opened an electronic copy of decision # L0015087820 on January 8, 2026, but did not understand it because it was written in English. It is unclear from the record why the decision was written in English when most other claim correspondence to that point, including another administrative decision issued the same day, was written in Spanish. Claimant mistakenly believed that decision # L0015087820 was an English translation of the

EAB ha tomado aviso judicial de este hecho, que es contenido en los registros del Departamento de Empleo. OAR 471-041-0090(1) (13 de mayo de 2019). Cualquier parte que se oponga a que EAB tome aviso de esta información debe enviar su objeción a EAB por escrito, indicando por qué se opone, dentro de los diez días posteriores al envío de esta decisión por parte de EAB. OAR 471-041-0090(2). A menos que EAB reciba y esté de acuerdo con la objeción, el hecho notificado permanecerá en el registro del caso.

work separation decision and therefore did not file a timely request for hearing on it or seek further clarification.

The order under review concluded that claimant's mistake regarding the contents of decision # L0015087820 was not excusable because claimant had some English proficiency, and because she had spoken to a Department representative in English about the work separation decision, without asking for assistance in understanding decision # L0015087820, on January 15, 2026. Order No. 26-UI-334938 at 4. The record does not support the conclusion that claimant's mistake was not excusable.

Claimant testified that she made a request at a WorkSource office to receive claim correspondence in Spanish, and that testimony is consistent with the Department having sent most correspondence in Spanish since the start of her claim. Transcript at 7. When asked at hearing if she was "able to read English fluently," claimant responded, "More or less. Not exactly," and later testified that her understanding of spoken English was "like a 6 or 7 in certain things." Transcript at 7, 17. This testimony is not necessarily inconsistent with claimant's assertion that she did not understand decision # L0015087820 to be different from the work separation decision as the result of a language barrier. Therefore, more likely than not, this was the reason claimant failed to understand the decision.

The Department having issued two administrative decisions on the same day, one in English and one in Spanish, led claimant to reasonably but mistakenly believe that they were translations of the same decision, and she therefore did not immediately seek translation of, or assistance in understanding, the decision written in English. Under the circumstances, this was an excusable mistake that prevented timely filing of a request for hearing on decision # L0015087820. Good cause therefore exists to extend the filing deadline.

The factor that prevented claimant from filing a timely request for hearing did not end until April 14, 2026, when she spoke with a representative in Spanish and learned the substance of decision # L0015087820 and her right to file a late request for hearing on the decision. Because the late request for hearing was filed the same day, it was filed within a "reasonable time" after the factor that prevented timely filing ended. Accordingly, claimant's late request for hearing is allowed, and the matter remanded for a hearing on the merits of decision # L0015087820.

DECISION: Order No. 26-UI-334938 is set aside, and this matter remanded for further proceedings consistent with this order.

DECISIÓN: *La Orden de la Audiencia 26-UI-334938 se pone a un lado, y esta materia se remite para otros procedimientos constantes con esta orden.*

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

DATE of Service: August 27, 2026

FECHA de Servicio: 27 de agosto de 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-334938 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.

NOTA: La falta de asistencia de cualquiera de las partes a la audiencia nueva no restablecerá la Orden No. 26-UI-334938, ni devolverá este asunto a la EAB. Solo una solicitud oportuna de revisión de la orden enviada a las partes después de la audiencia nueva devolverá este asunto a la EAB.

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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

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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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