

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0682

Late Application for Review Dismissed

PROCEDURAL HISTORY: On December 10, 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 unemployment insurance benefits effective October 26, 2025 (decision # L0014658918).¹ Claimant filed a timely request for hearing. On May 11, 2026, ALJ Frank conducted a hearing, and on May 19, 2026 issued Order No. 26-UI-330703, affirming decision # L0014658918. On June 8, 2026, Order No. 26-UI-330703 became final without claimant having filed an application for review with the Employment Appeals Board (EAB). On July 30, 2026, claimant filed a late application for review 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 is the written statement included with claimant's 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 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 exhibit will remain in the record.

FINDINGS OF FACT: (1) Order No. 26-UI-330703, mailed to claimant on May 19, 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-330703 at 4. Order No. 26-UI-330703 also stated on its Certificate of Mailing, "Any appeal from this Order must be filed on or before June 8, 2026 to be timely."

(2) Claimant received Order No. 26-UI-330703 shortly after it was mailed. Although the deadline to timely file an application for review was plainly stated, claimant did not understand he had to file an application for review by June 8, 2026.

¹ Decision # L0014658918 stated that claimant was denied benefits from October 26, 2025 to October 31, 2026. However, decision # L0014658918 should have stated that claimant was disqualified from receiving benefits beginning October 26, 2025 and until he earned four times his weekly benefit amount. See ORS 657.176.

(3) Claimant believed that he called “the appeals board department” and was told he had 90 days to appeal Order No. 26-UI-330703. EAB Exhibit 1 at 1. Claimant also had parenting responsibilities and had “a lot on the mind” at the time. EAB Exhibit 1 at 1.

(4) On June 8, 2026, Order No. 26-UI-330703 became final without claimant having filed an application for review with EAB. On July 30, 2026, claimant filed a late application for review with EAB.

CONCLUSIONS AND REASONS: Claimant’s late application for review of Order No. 26-UI-330703 is dismissed.

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-330703 was due June 8, 2026. Because claimant did not file his application for review until July 30, 2026, the application for review was late.

Claimant did not establish good cause to extend the deadline to file an application for review. Claimant acknowledged receiving Order No. 26-UI-330703 in the mail. The order plainly stated on its certificate of mailing that June 8, 2026 was the deadline to appeal. The order also stated the deadline to appeal a second time by indicating that any appeal of the order was due within 20 days of the date that the decision was mailed. Claimant stated that he did not understand this “wording.” EAB Exhibit 1 at 1. However, given that the deadline to appeal was stated in plain terms and in multiple places, and in the absence of any assertion that claimant had a condition that might make plain language difficult to understand, claimant did not prove that his failure to understand that June 8, 2026 was the deadline to appeal was a factor or circumstance beyond his reasonable control that prevented timely filing.

Furthermore, claimant believed that he called “the appeals board department” and was told he had 90 days to appeal Order No. 26-UI-330703. EAB Exhibit 1 at 1. However, at no point in time did claimant call EAB’s office and receive such misinformation. A review of Department records also fails to substantiate that claimant ever called the Department to inquire about Order No. 26-UI-330703. To the extent claimant called the Office of Administrative Hearings (OAH) about the order, he failed to prove by a preponderance of the evidence that anyone from that office told him that he had a 90-day deadline to appeal. Since to tell claimant that he had 90 days to appeal would contradict the deadline stated on the order itself and OAH was the office responsible for issuing the order, it is exceedingly unlikely that claimant received that information from OAH. For these reasons, claimant failed to establish that a factor or circumstance beyond his reasonable control prevented timely filing based on his belief he was told that he had 90 days to appeal.

Finally, claimant also noted that he had parenting responsibilities and “a lot on the mind” at the time he received Order No. 26-UI-330703. EAB Exhibit 1 at 1. Claimant failed to establish that these issues

constituted factors or circumstances beyond his control that prevented timely filing. As mentioned above, the deadline to file an appeal of the order was plainly stated on the document. Claimant failed to show that parenting responsibilities or other distractions were significant enough to prevent him from filing an appeal by the June 8, 2026 deadline. For example, using EAB's webform to file an appeal, the method claimant ultimately did use to file his late application for review on July 30, 2026, would have taken no more than a few minutes. This could have been accomplished by the June 8, 2026 deadline notwithstanding claimant's parenting duties or his mental load.

Accordingly, claimant did not show good cause for the late application for review, and his late application for review is dismissed.

DECISION: The application for review filed July 30, 2026 is dismissed. Order No. 26-UI-330703 remains undisturbed.

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

DATE of Service: August 27, 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 تأثیر 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.

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