

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0706

Reversed & Remanded

PROCEDURAL HISTORY AND FINDINGS OF FACT: On May 13, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily quit work without good cause and was therefore disqualified from receiving unemployment insurance benefits effective February 15, 2026 (decision # L0017529409).¹ On June 2, 2026, decision # L0017529409 became final without claimant having filed a request for hearing. On June 10, 2026, claimant filed a late request for hearing. ALJ Kangas considered the request, and on June 25, 2026 issued Order No. 26-UI-333506, dismissing the request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by July 9, 2026. On July 9, 2026, claimant filed a timely appellant questionnaire response. ALJ Kangas considered the response, and on July 30, 2026 issued Order No. 26-UI-336268, cancelling Order No. 26-UI-333506 and re-dismissing claimant's request for hearing as late without good cause. On August 7, 2026, claimant filed an application for review of Order No. 26-UI-336268 with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB did not consider claimant's written argument because they 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). Additionally, the argument contained information that was not relevant to the issue currently before EAB of whether claimant's late request for hearing should be allowed. ORS 657.275(2) and OAR 471-041-0090(1)(b)(A) (May 13, 2019).

The parties may offer new information, such as that contained in the written argument pertaining to the work separation, into evidence at the remand hearing. At that time, the ALJ will determine if the new information will be admitted into the record. The parties must follow the instructions on the notice of the remand hearing about documents they wish to have considered at the hearing. These instructions will direct the parties to provide copies of such documents to the ALJ and the other parties before the hearing at their addresses on the certificate of mailing for the notice of hearing.

¹ Decision # L0017529409 stated that claimant was denied benefits from February 15, 2026 to March 13, 2027. However, decision # L0017529409 should have stated that claimant was disqualified from receiving benefits beginning Sunday, February 15, 2026, and until they earned four times their weekly benefit amount. See ORS 657.176.

CONCLUSIONS AND REASONS: Order No. 26-UI-336268 is set aside and the matter remanded for a hearing to determine whether claimant's late request for hearing should be allowed and, if so, the merits of decision # L0017529409.

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.

The request for hearing on decision # L0017529409 was due by June 2, 2026. Claimant's request for hearing was filed on June 10, 2026, and was therefore late. Claimant wrote in their appellant questionnaire response that the request for hearing was filed late because they were "unaware of the decision [and] deadline due to [their] inability to access [their] mail[.]" Exhibit 3 at 3. The response further explained that claimant had temporarily left the address to which decision # L0017529409 had been mailed due to a separation from their spouse, and claimant did not attempt to retrieve mail from that address until June 6, 2026. Exhibit 3 at 2-3. The response suggested that claimant had anticipated receiving correspondence from the Department through Frances Online rather than by mail, and that this contributed to the frequency with which claimant checked their mail during the marital separation. Exhibit 3 at 3. Under these circumstances, claimant's delay in checking their mail was not the deciding factor about their failure to file a timely request for hearing. Instead, the record suggests that the most important factor was claimant's alleged failure to timely read the decision in Frances Online, and further development of the record is needed to determine whether that was a factor beyond claimant's reasonable control that prevented timely filing.

The order under review took notice of the following "fact . . . contained in Employment Department records": "[Claimant] knew of, and viewed, the administrative decision on May 13, 2026, when it was placed in [their] Frances account." Order No. 26-UI-336268 at 2. However, the evidence on this point is contested, because claimant said in their questionnaire response that they did not receive an email notification that decision # L0017529409 had been made available in Frances Online, and said that they were therefore unaware of the decision's existence as of the June 2, 2026 filing deadline. Exhibit 3 at 3. It is also noteworthy that where the questionnaire asked, "On what date . . . did you receive the administrative decision?" claimant wrote, then crossed out, "May 13th via Frances Online," then wrote, "6/6/2026." Exhibit 3 at 2.

On remand, inquiry should be made as to claimant's efforts to check for online claim correspondence in May 2026, including whether an email notification regarding the issuance of decision # L0017529409 was sent or received; whether claimant accessed Frances Online between May 13, and June 2, 2026, and, if so, whether they accessed decision # L0017529409; why claimant answered as they did regarding the date of receipt of decision # L0017529409 in the appellant questionnaire response; and any other factors relevant to determining whether it was within claimant's reasonable control to have read the electronic copy of decision # L0017529409 by June 2, 2026. Furthermore, if the record on remand shows good cause to extend the filing deadline, additional inquiry should be made to determine whether claimant's late request for hearing was filed within a "reasonable time" after the factors that prevented timely filing ended.

For these reasons, Order No. 26-UI-336268 is set aside and the matter remanded for a hearing to determine whether claimant's late request for hearing should be allowed and, if so, the merits of decision # L0017529409.

DECISION: Order No. 26-UI-336268 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: September 23, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-336268 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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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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