

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0721

Reversed
Late Request for Hearing Allowed
Merits Hearing Required

PROCEDURAL HISTORY: On November 19, 2020, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause and was disqualified from receiving unemployment insurance benefits effective February 2, 2020 (decision # 125955). On December 9, 2020, decision # 125955 became final without claimant having filed a request for hearing. On February 23, 2026, claimant filed a late request for hearing. ALJ Scott considered the request, and on March 26, 2026 issued Order No. 26-UI-325125, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by April 9, 2026. On April 7, 2026, claimant filed a timely appellant questionnaire response. On July 22, 2026, ALJ Enyinnaya conducted a hearing at which the employer failed to appear and issued Order No. 26-UI-335601, dismissing claimant's request for hearing as late without good cause and leaving decision # 125955 undisturbed. On August 10, 2026, filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) In April 2020, claimant filed an initial claim for benefits that the Department determined was monetarily valid. The last benefit week for which claimant filed a continued claim on this claim was the week of September 20 through 26, 2020 (week 39-20), which was filed on October 5, 2020 and not paid.¹

(2) In late October or early November 2020, claimant moved from his home in Bend, Oregon to Texas. Claimant did not update his mailing address with the Department at the time of this move.

¹ 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.

(3) On November 19, 2020, the Department mailed decision # 125955 to claimant's address on file, which was the Bend address. Decision # 125955 stated, "You have the right to appeal this decision if you do not believe it is correct. Your request for appeal must be received no later than December 9, 2020." Exhibit 1 at 8. Claimant did not receive the decision.

(4) Claimant did not file any Oregon benefit claims between October 6, 2020 and March 16, 2021, and did not claim benefits for the weeks of September 27, 2020 through November 28, 2020 (weeks 40-20 through 48-20) on any Oregon claim. Claimant did not have a pending appeal regarding benefits in October or November 2020.²

(5) On February 21, 2026, claimant received notice of an income tax refund intercept to partially recover an overpayment resulting from decision # 125955.

(6) On February 23, 2026, claimant spoke by phone with a Department representative and learned of decision # 125955. Claimant filed a late request for hearing during the call.

CONCLUSIONS AND REASONS: Claimant's late request for hearing is allowed, and a hearing on the merits of decision # 125955 is required.

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)(A), "good cause" does not include failure to receive a document due to not notifying the Department of an updated address while the person is claiming benefits or if the person knows, or reasonably should know, of a pending appeal.

The request for hearing on decision # 125955 was due by December 9, 2020. Claimant's request for hearing was filed on February 23, 2026, and was therefore late. Claimant did not receive decision # 125955 when it was mailed, which prevented him from filing a timely request for hearing. In October 2020, claimant moved from the Bend address to which the decision would later be mailed, which was likely the cause of claimant's failure to receive it. The order under review concluded that under OAR 471-040-0010(1)(b)(A), good cause did not exist to extend the filing deadline because claimant failed to notify the Department of an updated address while he was claiming benefits. Order No. 26-UI-335601 at 3. The record does not support this conclusion.

Claimant testified that he left the Bend address to move to Texas in late October or early November 2020. Audio Record at 25:53. The Department's records show that on October 5, 2020, claimant filed the last continued claim on the April 2020 initial claim, which was for the week of September 20 through 26, 2020 (week 39-20), and that the claim was not paid. The records further show that no

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.

benefits were claimed after October 5, 2020 and before decision # 125955 was issued on November 19, 2020. Claimant's move occurred during that period, and therefore at a time when he was not claiming benefits. Accordingly, and as claimant had no pending appeal at that time, OAR 471-040-0010(1)(b)(A) does not preclude a finding of good cause. Thus, claimant's failure to receive decision # 125955 was a factor beyond his reasonable control that prevented timely filing of a request for hearing. Good cause therefore exists to extend the filing deadline.

Furthermore, this factor did not end until February 23, 2026, when, in response to receiving information two days earlier about an income tax refund intercept, claimant learned of decision # 125955 and his right to appeal it. Claimant filed a late request for hearing on February 23, 2026, which was within a "reasonable time" after the factor that prevented timely filing ended. For these reasons, claimant's late request for hearing is allowed, and the matter remanded for a hearing on the merits of decision # 125955.

DECISION: Order No. 26-UI-335601 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: September 25, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-335601 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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