

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0726

Late Application for Review Allowed
Affirmed – Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On December 23, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide information to verify their identity and was ineligible for unemployment insurance benefits beginning December 14, 2025 (decision # L0014811217). On January 12, 2026, decision # L0014811217 became final without claimant having filed a request for hearing. On January 20, 2026, claimant filed a late request for hearing. ALJ Kangas considered the request, and on March 5, 2026 issued Order No. 26-UI-322421, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by March 19, 2026. On March 25, 2026, Order No. 26-UI-322421 became final without claimant having filed an appellant questionnaire response or an application for review with the Employment Appeals Board (EAB).

On May 1, 2026, claimant filed a late appellant questionnaire response. ALJ Kangas reviewed the response, and on May 5, 2026 issued Order No. 26-UI-329410, declining to consider the appellant questionnaire response because it was filed late, and re-dismissing claimant's late request for hearing. On May 26, 2026, Order No. 26-UI-329410 became final without claimant having filed an application for review with EAB. On June 29, 2026, claimant filed a late application for review of Order No. 26-UI-329410 with EAB.

EVIDENTIARY MATTERS: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is the statement included with claimant's late 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.

Claimant's appellant questionnaire response was not filed by the date Order No. 26-UI-322421 became final, March 25, 2026. The late questionnaire response was marked for identification as Exhibit 3 but was not considered as evidence by the ALJ and, as such, is not evidence in the hearing record. Claimant

did not show that factors or circumstances beyond claimant's reasonable control prevented them from filing the appellant questionnaire response prior to Order No. 26-UI-322421 becoming final.¹ Accordingly, under ORS 657.275(2) and OAR 471-041-0090, EAB did not consider the late appellant questionnaire response when reaching this decision.

FINDINGS OF FACT: (1) Decision # L0014811217, mailed to claimant's address on file with the Department on December 23, 2025, 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 12, 2026.**" Exhibit 1 at 2 (emphasis in original).

(2) On January 20, 2026, claimant filed a request for hearing on decision # L0014811217 using Frances Online.

(3) Order No. 26-UI-329410, mailed to claimant's address on file with the Office of Administrative Hearings (OAH) on May 5, 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-329410 at 2. Order No. 26-UI-329410 also stated on its Certificate of Mailing, "Any appeal from this Order must be filed on or before May 26, 2026 to be timely." Claimant did not receive Order No. 26-UI-329410 after it was mailed.

(4) On or shortly before June 29, 2026, claimant contacted OAH to inquire about the status of their appeal. On June 29, 2026, OAH emailed a copy of Order No. 26-UI-329410 to claimant. Later on June 29, 2026, claimant filed a late application for review of Order No. 26-UI-329410.

CONCLUSIONS AND REASONS: Claimant's late application for review is allowed. Claimant's late request for hearing is dismissed.

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-329410 was due by May 26, 2026. Claimant's application for review was filed on June 29, 2026, and was therefore late. The statement included in claimant's application for review explained that they did not receive the order in the mail and "only became aware of it after contacting the Employment Department, at which time [OAH] emailed

¹ Claimant included with the late appellant questionnaire response a statement described as an "[e]xplanation for missing the deadline." Exhibit 3 at 1. However, the explanation relates to why the request for hearing was not filed by the January 12, 2026 deadline, and not why the appellant questionnaire response was not filed by the March 25, 2026 finality date of Order No. 26-UI-322421. Exhibit 3 at 3.

[claimant] a copy on June 29, 2026.”² EAB Exhibit 1 at 1. The record does not suggest a reason for claimant’s failure to receive the mailed copy of Order No. 26-UI-329410. However, it can be inferred that it was a circumstance beyond claimant’s reasonable control that prevented timely filing of an application for review. Good cause therefore exists to extend the filing deadline.

Furthermore, the circumstance that prevented timely filing did not end until June 29, 2026, when claimant received an emailed copy of Order No. 26-UI-329410. Because claimant’s application for review was filed the same day, it was filed within a “reasonable time” after the circumstance that prevented timely filing ended. Accordingly, claimant’s late application for review of Order No. 26-UI-329410 is allowed.

Late Request for Hearing. 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 # L0014811217 was due by January 12, 2026. Claimant’s request for hearing was filed on January 20, 2026, and was therefore late. The request for hearing did not contain an explanation as to why it was being filed late. See Exhibit 2 at 1-4. Order No. 26-UI-322421, issued on March 5, 2026, gave claimant the opportunity to explain why the request for hearing had been filed late by responding to an appellant questionnaire, but claimant did not file a response prior to that order becoming final on March 25, 2026. Therefore, claimant has not shown that a factor beyond their reasonable control or an excusable mistake prevented them from filing a request for hearing by the January 12, 2026 deadline. Accordingly, good cause does not exist to extend the filing deadline, and claimant’s late request for hearing is dismissed.³

DECISION: Claimant’s late application for review is allowed. Order No. 26-UI-329410 is affirmed.

S. Serres and D. Hettle;
A. Steger-Bentz, 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.

² Throughout the statement, claimant referred to “the administrative decision” rather than Order No. 26-UI-329410, but it can be inferred from other parts of the statement that claimant was, in each instance, referring to Order No. 26-UI-329410.

³ The Department’s records show that as of July 14, 2026, claimant has been paid the maximum benefit on the claim, and therefore even if this appeal had been successful claimant would not have been paid any additional benefits on the claim.

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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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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