

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0758

Reversed
Late Request for Hearing Allowed
Merits Hearing Required

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 therefore ineligible for unemployment insurance benefits beginning December 14, 2025 (decision # L0014816511). On January 12, 2026, decision # L0014816511 became final without claimant having filed a request for hearing. On June 26, 2026, claimant filed a late request for hearing. ALJ Kangas considered the request, and on July 15, 2026 issued Order No. 26-UI-335114, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by July 29, 2026. On July 20, 2026, claimant filed a timely appellant questionnaire response. ALJ Wardlow considered the response, and on August 19, 2026 issued Order No. 26-UI-337769, re-dismissing claimant's late request for hearing as late without good cause. On August 21, 2026, claimant filed an application for review of Order No. 26-UI-337769 with the Employment Appeals Board (EAB).

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

FINDINGS OF FACT: (1) On December 2, 2025, claimant filed an initial claim for benefits that the Department determined was monetarily valid.¹ Claimant did not immediately file any continued claims because they did not intend to seek work.

(2) On December 23, 2025, the Department issued decision # L0014816511, concluding that claimant did not verify their identity and was therefore denied benefits "beginning December 14, 2025." Exhibit 1 at 1. Decision # L0014816511 stated, "You do not need to take additional action if you agree with our

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.

decision in this notice. 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). Decision # L0014816511 did not specifically state that the period of ineligibility would apply to an additional or reopened claim, or that it could be ended prior to the effective date of an additional or reopened claim by completing identity verification before that date.

(3) Claimant received decision # L0014816511 shortly after it was issued. However, because claimant had not claimed any benefits and did not intend to, and did not disagree with the decision’s conclusion that they had not completed identity verification, they did not file a request for hearing at that time.

(4) On June 9, 2026, claimant filed a reopened claim with an effective date of June 7, 2026. Claimant thereafter filed a continued claim for the week of June 7 through 13, 2026 (week 23-26). On June 16, 2026, the Department issued a notice to claimant stating that benefits would not be paid for week 23-26 because, “You did not give us the information we requested. We made a decision to deny your benefits. These conditions have not changed, and we cannot pay benefits for this week.” Exhibit 3 at 7. That day, claimant sent a message to the Department and went to a Workforce office seeking an explanation for the denial but was not immediately told that the ineligibility stemmed from decision # L0014816511. Claimant also verified their identity, and the Department modified decision # L0014816511 in their records to end the period of ineligibility effective June 13, 2026, but did not issue a new administrative decision to claimant reflecting this.²

(5) On June 26, 2026, claimant received a response from the Department to the earlier message, explaining the basis for the denial of benefits for week 23-26 and suggesting that claimant appeal decision # L0014516511. Claimant filed a late request for hearing the same day.

CONCLUSIONS AND REASONS: Claimant’s late request for hearing is allowed, and a hearing on the merits of decision # L0014816511 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)(B), “good cause” does not include not understanding the implications of a decision or notice when it is received.

The request for hearing on decision # L0014816511 was due by January 12, 2026. Claimant’s request for hearing was filed on June 26, 2026, and was therefore late. It can reasonably be inferred that claimant did not file a request for hearing by the January 12, 2026 deadline because they did not disagree with the conclusion of the decision and did not realize that if they later filed a reopened claim that it would be impacted by the period of ineligibility it imposed. The order under review concluded

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.

that this was not an excusable mistake and was, instead, a failure to understand the implications of the administrative decision. Order No. 26-UI-337769 at 3. The record does not support this conclusion.

It stands to reason that because claimant had not completed identity verification prior to January 12, 2026, they initially agreed with the conclusion of decision # L0014816511 that identity verification had not been completed. Decision # L0014816511 stated, “You do not need to take additional action if you agree with our decision in this notice.” It can be inferred that claimant followed this advisement in taking no additional action at that time. It also stands to reason that if decision # L0014816511 had specifically stated that the period of ineligibility not only began on December 14, 2025, but would continue indefinitely and apply to any new initial, reopened, or additional claim unless and until claimant completed identity verification, and that claimant could complete it at any time to end the period of ineligibility, that claimant would likely have completed identity verification and filed a timely request for hearing prior to decision # L0014816511 becoming final. It was therefore the decision’s lack of notice or explanation as to these implications that was responsible for claimant’s failure to fully realize its potential future effects, and prevented claimant from filing a timely request for hearing. This amounted to a denial of due process that renders claimant’s mistake excusable. Therefore, good cause has been shown to extend the filing deadline.

Furthermore, the factor that prevented timely filing did not end until June 26, 2026, when claimant was told that decision # L0014816511 was affecting the reopened claim, and because the request for hearing was filed the same day, it was filed within a “reasonable time.” Accordingly, claimant’s late request for hearing is allowed, and the matter remanded for a hearing on the merits of decision # L0014816511.

DECISION: Order No. 26-UI-337769 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: October 2, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-337769 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.



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.

Employment Appeals Board - 875 Union Street NE | Salem, OR 97311

Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711

Email: appealsboard@employ.oregon.gov

Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.