EO: Intrastate
BYE: 06-Feb-2027

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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MC 000.00

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0823

Reversed & Remanded

PROCEDURAL HISTORY AND FINDINGS OF FACT: On June 23, 2026, the Oregon Employment Department (the Department) served notice of five administrative decisions concluding that claimant filed a late claim for unemployment insurance benefits and was therefore ineligible to receive benefits for the weeks of February 22, 2026 through February 28, 2026 (week 08-26), March 1, 2026 through March 7, 2026 (week 09-26), March 15, 2026 through March 21, 2026 (week 11-26), March 22, 2026 through March 28, 2026 (week 12-26), and March 29, 2026 through April 4, 2026 (week 13-26) (decisions # L0018244723, L0018258187, L0018251625, L0018370780, and L0018371796, respectively). On July 2, 2026, the Department issued an administrative decision concluding that claimant filed a late claim for benefits and was therefore ineligible to receive benefits for the week of March 8, 2026 through March 14, 2026 (week 10-26), and that claimant was overpaid $1,338 in benefits that they were liable to repay to the Department (decision # L0018714786). On July 17, 2026, the Department issued an administrative decision concluding that claimant was not available for work during the week of June 28, 2026 through July 4, 2026 (week 26-26) and was therefore ineligible to receive benefits for that week, and that claimant was overpaid $1,338 in benefits that they were liable to repay to the Department (decision # L0018786281).[1] On July 13, 2026, decisions # L0018244723, L0018258187, L0018251625, L0018370780, and L0018371796 became final without claimant having filed requests for hearing. On July 22, 2026, decision # L0018714786 became final without claimant having filed a request for hearing. On August 6, 2026, decision # L0018371791 became final without claimant having filed a request for hearing.

On August 12, 2026, claimant filed late requests for hearing on decisions # L0018244723, L0018258187, L0018714786, L0018251625, L0018370780, L0018371796, and L0018786281. ALJ Wardlow considered the requests on decisions # L0018714786, L0018251625, L0018370780, and L0018371796, and on August 20, 2026 issued Orders No. 26-UI-337826, 26-UI-337832, 26-UI-337838, and 26-UI-337836, dismissing the respective requests as late, subject to claimant's right to renew the requests by responding to an appellant questionnaire by September 3, 2026. ALJ Kangas considered the requests on decisions # L0018244723, L0018258187, and L0018786281, and on August 24, 2026 issued

[1] This overpayment appears to be duplicative of the one assessed in decision # L0018714786.

Orders No. 26-UI-338062, 26-UI-338074, and 26-UI-338064, dismissing the respective requests as late, subject to claimant's right to renew the requests by responding to an appellant questionnaire by September 7, 2026. On September 6, 2026, claimant filed timely applications for review of Orders No. 26-UI-338062, 26-UI-338074, 26-UI-337826, 26-UI-337832, 26-UI-337838, 26-UI-337836, and 26-UI-338064 with the Employment Appeals Board (EAB).

EAB combined its review of Orders No. 26-UI-338062, 26-UI-338074, 26-UI-337826, 26-UI-337832, 26-UI-337838, 26-UI-337836, and 26-UI-338064 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in septuplicate (EAB Decisions 2026-EAB-0823, 2026-EAB-0822, 2026-EAB-0828, 2026-EAB-0827, 2026-EAB-0825, 2026-EAB-0826, and 2026-EAB-0824.

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 statement included with the applications 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, saying 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.

CONCLUSIONS AND REASONS: Orders No. 26-UI-338062, 26-UI-338074, 26-UI-337826, 26-UI-337832, 26-UI-337838, 26-UI-337836, and 26-UI-338064 are set aside, and the matters remanded for a hearing to determine whether claimant's late requests for hearing should be allowed and, if so, the merits of those decisions.

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 requests for hearing on decisions # L0018244723, L0018258187, L0018251625, L0018370780, and L0018371796, were due by July 13, 2026; for decision # L0018714786 by July 22, 2026; and for decision # L0018786281 by August 6, 2026. Claimant's requests for hearing were filed on August 12, 2026, and were therefore late.

Claimant included a statement with the applications for review which, in relevant part, stated:

> Because I am blind, I could not independently access and complete all of the required unemployment procedures. I depended on other people to assist me with the online system, verification, and submission of information. When the assistance I was relying on was unavailable or delayed, I was unable to complete the filing on my own.

EAB Exhibit 1 at 1. This suggests that a factor beyond claimant's reasonable control or an excusable mistake may have prevented timely filing of a request for hearing. Further development of the record is therefore warranted.

Inquiry should be made as to whether claimant notified the Department of a need for accommodation of their visual impairment, when such a request was made, what accommodation was requested, and whether the Department complied; what format claimant requested for receipt of claim correspondence; when claimant received each of the administrative decisions and what action was taken in response; if claimant was relying on assistance from outside the Department to understand and respond to claim correspondence and such assistance was "unavailable or delayed," why claimant did not turn to the Department for such assistance; and any other information relevant to why the requests for hearing were filed late.

Furthermore, if good cause exists to extend the filing deadline, further inquiry should be made as to when the factors that prevented timely filing ended and whether claimant's late requests for hearing were filed within a "reasonable time" thereafter.

For these reasons, Orders No. 26-UI-338062, 26-UI-338074, 26-UI-337826, 26-UI-337832, 26-UI-337838, 26-UI-337836, and 26-UI-338064 are set aside, and the matters remanded for a hearing to determine whether claimant's late requests for hearing should be allowed and, if so, the merits of those decisions.

DECISION: Orders No. 26-UI-338062, 26-UI-338074, 26-UI-337826, 26-UI-337832, 26-UI-337838, 26-UI-337836, and 26-UI-338064 are set aside, and the matters remanded for further proceedings consistent with this order.

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

DATE of Service: October 8, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Orders No. 26-UI-338062, 26-UI-338074, 26-UI-337826, 26-UI-337832, 26-UI-337838, 26-UI-337836, and 26-UI-338064 or return these matters to EAB. Only a timely application for review of the order mailed to the parties after the remand hearing will return that 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 – 本判决会影响您的失业救济金。 如果您不明白本判决， 请立即联系就业上诉委员会。 如果您不同意此判决，您可以按照该判决结尾所写的说明，向俄勒冈州上诉法院提出司法复审申请。

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 فورا، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الإستئناف 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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