

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0849

Affirmed
Late Requests for Hearing Dismissed

PROCEDURAL HISTORY: On June 30, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant filed a late claim for unemployment insurance benefits for the week of April 12 through 18, 2026 (week 15-26) and was ineligible for benefits for that week, and had been overpaid \$986 in benefits that claimant must repay to the Department (decision # L0018507116). Also on June 30, 2026, the Department served notice of an administrative decision concluding that claimant filed a late claim for benefits for the week of April 19 through 25, 2026 (week 16-26) and was ineligible for benefits for that week, and had been overpaid \$986 in benefits that claimant must repay (decision # L0018286702). On July 20, 2026, decisions # L0018507116 and L0018286702 became final without claimant having filed requests for hearing.

On August 12, 2026, claimant filed late requests for hearing on decisions # L0018507116 and L0018286702. ALJ Kangas considered claimant's requests, and on August 24, 2026 issued Orders No. 26-UI-338066 and 26-UI-338068, dismissing claimant's requests for hearing on decisions # L0018507116 and L0018286702 as late, subject to claimant's right to renew the requests by responding to an appellant questionnaire by September 7, 2026.

On September 9, 2026, claimant filed timely applications for review of Orders No. 26-UI-338066 and 26-UI-338068 with the Employment Appeals Board (EAB) that included a response to the appellant questionnaire. EAB combined its review of Orders No. 26-UI-338066 and 26-UI-338068 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2026-EAB-0850 and 2026-EAB-0849).

EVIDENTIARY MATTER: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence consists of claimant's response to the appellant questionnaire, 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.

FINDINGS OF FACT: (1) On June 30, 2026, the Department mailed decision # L0018507116 to claimant's address on file with the Department. Decision # L0018507116 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 **July 20, 2026.**" Order No. 26-UI-338066, Exhibit 1 at 2 (emphasis in original).

(2) Also on June 30, 2026, the Department mailed decision # L0018286702 to claimant's address on file with the Department. Decision # L0018286702 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 **July 20, 2026.**" Order No. 26-UI-338068, Exhibit 1 at 2 (emphasis in original).

(3) On July 20, 2026, decisions # L0018507116 and L0018286702 became final without claimant having filed requests for hearing. On August 12, 2026, claimant filed late requests for hearing on decisions # L0018507116 and L0018286702.

CONCLUSIONS AND REASONS: Claimant's late requests for hearing are dismissed.

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 requests for hearing on decisions # L0018507116 and L0018286702 were due by July 20, 2026. Because claimant did not file their requests for hearing until August 12, 2026, the requests were late. In their response to the appellant questionnaire, claimant indicated that they believed they had received the administrative decisions on August 1, 2026. EAB Exhibit 1 at 1. Claimant explained that they had "received notice that [they] had to pay back 2 weeks of [their] benefits on the 12th of [A]ugust but there was no evident message of when an appeal request was due." EAB Exhibit 1 at 1.

Based on claimant's above responses, the record suggests that claimant did not receive the administrative decisions until August 1, 2026, after the timely filing deadline had passed. Thus, claimant may have filed their late requests for hearing due to factors beyond their reasonable control. Even if this was the case, however, those factors ended when claimant received the administrative decision on August 1, 2026. That claimant may not have sufficiently understood the implications of decisions # L0018507116 and L0018286702 until they received a separate letter requesting payment of the assessed overpayment cannot be considered "good cause" under OAR 471-040-0010(1)(b)(B). As such, in order for claimant's late requests for hearing to be allowed, claimant must have filed the requests within seven days of August 1, 2026, which was August 8, 2026. Because claimant did not file the requests until August 12, 2026, claimant did not file their late requests for hearing within a reasonable time after the factors which prevented their timely filing ended.

Therefore, claimant's late requests for hearing on decisions # L0018507116 and L0018286702 are dismissed under ORS 657.875 and OAR 471-040-0010.

DECISION: Orders No. 26-UI-338066 and 26-UI-338068 are affirmed.

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

DATE of Service: October 14, 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.

NOTE: If paying back your overpayment would be a financial hardship, you may request an overpayment waiver. The Department may forgive the debt and stop collection efforts if you meet certain requirements. If you apply for a waiver but do not qualify for the waiver, other relief may be available. Other relief may include a temporary pause in collection efforts or a limit on how much your current benefits may be reduced due to the overpayment. It is important to apply for a waiver as soon as possible because waivers are not retroactive. This means that if the Department grants the waiver, you will not receive a refund of payments you have already made on the overpayment.

The Overpayment Waiver Application is available for download at <https://unemployment.oregon.gov/uploads/docs/FORM129-EN.pdf>
For more information on requesting a waiver go to
<https://unemployment.oregon.gov/overpayments>.

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

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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.