EO: Intrastate
BYE: 02-Jan-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-0867

Reversed
Request for Hearing Timely on Decision # L0020465908
Merits Hearing Requried

PROCEDURAL HISTORY: On July 20, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was denied benefits for the week of May 10, 2026 through May 16, 2026 (week 19-26) because they filed a late benefit claim for that week, and that claimant was overpaid $446 in benefits that they must repay to the Department (decision # L0018859429). On August 10, 2026, decision # L0018859429 became final without claimant having filed a request for hearing. On August 14, 2026, claimant filed a late request for hearing. ALJ Kangas considered the request, and on August 27, 2026 issued Order No. 26-UI-338457, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by September 10, 2026.

On September 14, 2026, claimant filed a timely application for review of Order No. 26-UI-338457 with the Employment Appeals Board (EAB) that included an appellant questionnaire response. On October 29, 2026, the Department served notice of an administrative decision that canceled and replaced decision # L0018859429, concluding that claimant was denied benefits for week 19-26 because they filed a late benefit claim for that week, and that claimant was overpaid $192 in benefits that they must repay (decision # L0020465908). This matter comes before EAB based upon claimant's September 14, 2026 application for review of Order No. 26-UI-338457.

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 appellant questionnaire response and a copy of decision # L0020465908, has been marked as EAB Exhibits 1 and 2, and provided to the parties with this decision. Any party that objects to EAB taking notice of this evidence 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 exhibits will remain in the record.

FINDINGS OF FACT: (1) Decision # L0018859429, mailed to claimant's address on file with the Department on July 20, 2026, 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 **August 10, 2026**." Exhibit 1 at 2 (emphasis in original).

(2) On August 14, 2026, claimant filed a late request for hearing on decision # L0018859429.

(3) On October 29, 2026, the Department issued decision # L0020465908, which canceled and replaced decision # L0018859429. Decision # L0020465908 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 **November 18, 2026**." EAB Exhibit 2 at 2 (emphasis in original).

CONCLUSIONS AND REASONS: Order No. 26-UI-338457 is set aside. Claimant's request for hearing is applied to decision # L0020465908, and the matter remanded for a hearing on the merits of that decision.

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 471-040-0005(2)(a) (July 15, 2018), an individual may request a hearing on an administrative decision related to payment of benefits by "mail, fax, e-mail, or other means as designated by [the] Employment Department[.]" A request for hearing may also be filed "[i]n person at any publicly accessible Employment Department office in Oregon." OAR 471-040-0005(2)(b). Use of forms provided by the Department or similar offices for requesting a hearing is not required so long as the individual "expresses a present intent to appeal and it can be determined what issue or decision is being appealed." OAR 471-040-0005(1).

The request for hearing on decision # L0018859429 was due by August 10, 2026. Claimant's request for hearing was filed on August 14, 2026, and was therefore late as to that decision. However, on October 29, 2026, the Department issued decision # L0020465908, which canceled and replaced decision # L0018859429 by amending it. The claim issues are the same in both decisions, in that they involve a denial of benefits for week 16-26 and assessment of an overpayment. Claimant's August 14, 2026 request for hearing expresses an intent to appeal those issues, and under the circumstances, should be applied to decision # L0020465908. As decision # L0020465908 has not yet become final, the request for hearing is timely as to that decision.

For these reasons, claimant's August 14, 2026 request for hearing is timely as applied to decision # L0020465908, and the matter is remanded for a hearing on the merits of that decision.

DECISION: Order No. 26-UI-338457 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 30, 2026

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Order No. 26-UI-338457 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 ໄດ້ ໂດຍປະຕິບັດຕາມຄຳແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄຳຕັດສິນນີ້.

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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