EO: Intrastate
BYE: 01-May-2027

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

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EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0874

Affirmed
Late Request for Hearing Dismissed

PROCEDURAL HISTORY: On July 1, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged for misconduct and therefore was disqualified from receiving unemployment insurance benefits effective May 3, 2026 (decision # L0018391283).[1] On July 21, 2026, decision # L0018391283 became final without claimant having filed a request for hearing. On July 27, 2026, claimant filed a late request for hearing.

ALJ Kangas considered claimant's request, and, on August 11, 2026, issued Order No. 26-UI-337131, dismissing claimant's request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by August 25, 2026. On August 24, 2026, claimant filed a timely response to the appellant questionnaire. ALJ S. Lee considered the response, and, On August 27, 2026, issued Order No. 26-UI-338461, canceling Order No. 26-UI-337131, re-dismissing claimant's hearing request, and leaving decision # L0018391283 undisturbed. On September 16, 2026, Claimant filed an application for review of Order No. 26-UI-338461 with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant's argument contained information that was not part of the evidence considered by the ALJ and did not show that factors or circumstances beyond claimant's reasonable control prevented them from offering the information while the matter was before the Office of Administrative Hearings (OAH). Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence while the matter was within the jurisdiction of OAH. EAB considered the parts of claimant's argument that were based on the evidence considered by the ALJ.

FINDINGS OF FACT: (1) Decision # L0018391283, issued on July 1, 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 **July 21, 2026**." Exhibit 1 at 2. (emphasis in original).

[1] Decision # L0018391283 stated that claimant was denied benefits from May 3, 2026 to May 1, 2027. However, decision # L0018391283 should have stated that claimant was disqualified from receiving benefits beginning Sunday, May 3, 2026 and until they earned four times their weekly benefit amount. *See* ORS 657.176.

(2) On July 12, 2026, at 8:43 p.m., claimant accessed their Frances Online account and viewed decision # L0018391283.[2]

(3) Claimant did not receive a copy of decision # L0018391283 by email or by mail. Exhibit 3 at 5.

(4) On July 21, 2026, decision # L0018391283 became final without claimant having filed a request for hearing.

(5) On July 27, 2026, claimant accessed their Frances Online account and again viewed decision # L0018391283. Claimant believed that this was the first time they had seen the administrative decision. Exhibit 3 at 5. That day, claimant filed a late request for hearing on decision # L0018391283.

CONCLUSIONS AND REASONS: Claimant's late request for hearing is 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.

The deadline to file a request for hearing on decision # L0018391283 was July 21, 2026. Because claimant did not file their hearing request until July 27, 2026, the hearing request was late.

Claimant did not establish good cause to extend the filing deadline. Claimant believed that they did not receive notice of the administrative decision until the occasion that they viewed it on July 27, 2026. However, Department records show that claimant accessed their Frances Online account and viewed decision # L0018391283 on an earlier occasion, July 12, 2026. While claimant may not have read the decision carefully on July 12, 2026, or paid it any mind at all, the available evidence nonetheless shows that on that date claimant viewed the decision and thus was placed on notice of it and of the July 21, 2026 deadline to appeal. Accordingly, as of July 12, 2026, claimant knew or should have known of the existence of decision # L0018391283 and of the deadline to appeal. Claimant therefore did not show that a factor beyond their reasonable control prevented them from filing an appeal by the July 21, 2026 deadline to appeal.

Claimant's failure to pay heed to decision # L0018391283 when they viewed it on July 12, 2026 was a mistake on their part. However, it was not an "excusable mistake" within the meaning of the administrative rules because it did not, for example, raise a due process issue, and was not the result of inadequate notice, reasonable reliance on another, or the inability to follow directions despite substantial efforts to comply.

[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.

For these reasons, claimant failed to show that a factor beyond their reasonable control or an excusable mistake prevented them from filing a timely request for hearing. As such, claimant's late request for hearing on decision # L0010041549 is dismissed.

DECISION: Order No. 26-UI-338461 is affirmed.

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

DATE of Service: November 2, 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.

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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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