

EMPLOYMENT APPEALS BOARD DECISION
2024-EAB-0089

Modified
Ineligible Week 47-23
Eligible Weeks 48-23 through 49-23

PROCEDURAL HISTORY: On December 6, 2023, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide information to the Department and was therefore ineligible for unemployment insurance benefits for the weeks of November 19, 2023 through December 2, 2023 (weeks 47-23 through 48-23) and until the reason for the denial ended (decision # 131754). Claimant filed a timely request for hearing. On January 11, 2024, ALJ Blam conducted a hearing, and on January 18, 2024 issued Order No. 24-UI-245964, modifying decision # 131754 by concluding that claimant failed to provide information to the Department and was therefore ineligible for benefits for the weeks of November 19, 2023 through December 9, 2023 (weeks 47-23 through 49-23).¹ On January 20, 2024, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant's argument contained information that was not part of the hearing record, and did not show that factors or circumstances beyond claimant's reasonable control prevented her from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing when reaching this decision. EAB considered claimant's argument to the extent it was based on the record.

FINDINGS OF FACT: (1) On October 10, 2023, claimant filed an initial claim for unemployment insurance benefits. The Department determined that claimant's weekly benefit amount was \$190.

(2) Claimant claimed benefits for the weeks of November 19, 2023 through December 9, 2023 (weeks 47-23 through 49-23). These are the weeks at issue. The Department did not pay claimant benefits for the weeks at issue.

¹ Although Order No. 24-UI-245964 stated that it affirmed decision # 131754, it modified that decision by changing the effective dates of ineligibility to include week 49-23. Order No. 24-UI-245964 at 4.

(3) On November 6, 2023, the Department mailed claimant a letter notifying her that she was required to complete several tasks in order to continue receiving benefits. In particular, the letter explained to claimant that she was required to verify her identification (ID) by providing either two primary, or one primary and two secondary, forms of ID to the Department. This could be completed in-person or remotely with a WorkSource Oregon office, or via a mail-in process. Primary forms of ID included either a driver's license or a passport. The letter stated that claimant was required to complete these processes by November 20, 2023, and that her benefits could be denied if she did not do so. Claimant received the November 6, 2023, letter but subsequently forgot about the ID verification requirement.

(4) On November 19, 2023, claimant's car was broken into, resulting in the theft of her purse which contained her driver's license. Claimant did not have a passport.

(5) On November 29, 2023, claimant realized that she had not been receiving her benefits, and called the Department to find out why. The representative to whom claimant spoke advised her that she had failed to complete some of the tasks outlined in the November 6, 2023, letter, including registering for work with WorkSource Oregon and verifying her ID. Claimant reported to a WorkSource Oregon office the same day and completed her work registration. However, she was unable to complete her ID verification because she did not have a primary ID.

(6) On November 30, 2023, claimant visited a Department of Motor Vehicles (DMV) office and obtained a paper driver's license, to be used temporarily while she waited for her permanent license via mail. That day, claimant attempted to complete her ID verification with WorkSource Oregon again. However, the representative there told claimant that they could not accept the temporary paper license, and that she would have to wait until she obtained her permanent license.

(7) On December 11, 2023, claimant received her permanent driver's license in the mail. She returned to a WorkSource Oregon office and completed her ID verification that day.

CONCLUSIONS AND REASONS: Claimant failed to provide information in accordance with the Department's rules and therefore was ineligible for benefits for week 47-23. However, claimant provided the required information during week 48-23, and therefore was eligible for benefits for weeks 48-23 and 49-23.

Under ORS 657.155(1)(b), in order to be eligible to receive benefits with respect to any week, an individual must make "a claim for benefits with respect to such week in accordance with ORS 657.260." ORS 657.260(1) provides that claims for benefits shall be filed in accordance with such regulations as the Department may prescribe.

OAR 471-030-0025 (January 11, 2018) states:

(1) With all claims, an individual shall furnish the Director with their social security number and other information required for processing their claim. Such information may include, but is not limited to, information pertaining to prior work history, separations from work, current work activity and earnings, licenses or permits held, self-employment, entitlement to pay and allowances of various kinds, work seeking activity, working restrictions, and working ability. With respect to work activity or self-employment during

any week claimed, the information required may include the type of work activity, the amount of time devoted to such activity, the gross and net amount of compensation, remuneration, wages, commission, salary, or income, if any, received or expected to be received, and any other factors material to a determination of eligibility for benefits.

(2) The claimant is required to furnish such information required for processing their claim within the time frame provided by the Director or an authorized representative of the Employment Department. Unless the time frame is otherwise defined under Employment Department statute or rule, or is specifically directed otherwise by an authorized representative of the Employment Department, the claimant is required to respond to all requests for information within the following time frames:

(a) For requests for information by letter mailed to the address of record, the claimant shall have five (5) calendar days to respond from the date the letter was mailed. When responding by mail, the date of the response shall be the date of the postmark affixed by the United States Postal Service. In the absence of a postmarked date, the date of the response shall be the most probable date of mailing as determined by the Employment Department.

(b) For requests for information by telephone message, fax, email, or other electronic means, the claimant shall have 48 hours to respond.

Claimant was required, per the Department's November 6, 2023, letter, to complete her ID verification by November 20, 2023. While claimant received this letter, she forgot about the requirement and therefore did not complete it by the deadline. Claimant learned about the missed deadline on November 29, 2023, and attempted to complete the ID verification process. However, she was unable to do so that day because her driver's license had been stolen. She was also unable to complete the process the following day because, despite having obtained a temporary paper license from the DMV, the WorkSource Oregon office would not accept it as a primary form of ID. Claimant received her permanent license on December 11, 2023, and, using that license as a form of primary ID, completed the process the same day.

The order under review concluded that claimant's failure to complete the process until December 11, 2023, rendered her ineligible for benefits for the weeks at issue because "there are no good cause exceptions" to the requirement under the rules. Order No. 24-UI-245964 at 4. While the order under review is correct in stating that there are no good cause exceptions under the rules, the record shows that claimant was eligible for benefits for weeks 48-23 through 49-23 because she provided the required document on November 30, 2023.

Claimant was on notice of the requirement to complete the ID verification process by November 20, 2023, as she received the November 6, 2023, letter advising her of the requirement. Because there is no good cause exception to failing to complete the requirement, claimant's having failed to complete it by November 20, 2023, for any reason, does not bear on this analysis.

However, while a WorkSource representative told claimant that her temporary paper driver's license was not an acceptable form of ID for purposes of the verification process, the record lacks evidence to show that the Department was not permitted to accept the temporary license, and the applicable rules are silent on that point. Therefore, the Department's refusal to accept claimant's temporary license was without basis, and claimant completed the required ID verification process on November 30, 2023. November 30, 2023, fell within week 48-23. As such, claimant was ineligible for benefits for week 47-23, as she had not yet completed the process during that week. Claimant was eligible for benefits for week 48-23, as she completed the process that week, and week 49-23, as she had already completed it by that week.

DECISION: Order No. 24-UI-245964 is modified, as outlined above.

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

DATE of Service: February 23, 2024

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 listed above. *See* ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem, Oregon 97310 or visit the Court of Appeals website at courts.oregon.gov. Once on the website, use the 'search' function to search for 'petition for judicial review employment appeals board'. A link to the forms and information will be among the search results.

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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.

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