

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0658**

*Late Applications for Review Allowed*  
*Affirmed*  
*Eligible Weeks 21-24 through 22-24*  
*Ineligible Weeks 23-24 through 26-24*

**PROCEDURAL HISTORY:** On June 10, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide information in accordance with the Department's rules and was therefore ineligible to receive unemployment insurance benefits for the week of June 2, 2024 through June 8, 2024 (week 23-24) and until the reason for the denial had ended (decision # L0004467556).<sup>1</sup> Also on June 10, 2024, the department served notice of an administrative decision concluding that claimant failed to register for work in accordance with the Department's rules and was therefore ineligible to receive benefits for the week of May 19, 2024 through May 25, 2024 (week 21-24) and until the reason for the denial had ended (decision # L0004503900). Claimant filed a timely request for hearing on each decision.

On July 23, 2024, ALJ Lucas conducted a consolidated hearing at which the Department failed to appear, and on July 25, 2024 issued Orders No. 24-UI-260388 and 24-UI-260397. Order No. 24-UI-260388 modified decision # L0004467556 by concluding that claimant failed to provide information as required and was therefore ineligible to receive benefits for the weeks of June 2, 2024 through June 29, 2024 (weeks 23-24 through 26-24), and Order No. 24-UI-260397 modified decision # L0004503900 by concluding that claimant failed to register for work as required and was eligible to receive benefits for the weeks of May 19, 2024 through June 1, 2024 (weeks 21-24 through 22-24), but ineligible to receive benefits for the week of June 2, 2024 through June 8, 2024 (week 23-24). On August 14, 2024, Orders No. 24-UI-260388 and 24-UI-260397 became final without claimant having filed an application for review with the Employment Appeals Board (EAB). On September 15, 2024, claimant filed late applications for review of Orders No. 24-UI-260388 and 24-UI-260397 with EAB.

<sup>1</sup> Decision # L0004467556 stated that the period of ineligibility began on June 7, 2024, a Friday. As benefit weeks begin on Sundays, it is presumed that the decision intended to state that the period of ineligibility began on Sunday, June 2, 2024.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Orders No. 24-UI-260388 and 24-UI-260397. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2024-EAB-0658 and 2024-EAB-0659).

**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 claimant's late applications for review and has been marked as EAB Exhibit 1, and a copy provided to the parties with this decision. Any party that objects to our admitting EAB Exhibit 1 must submit such objection to this office in writing, setting forth the basis of the objection in writing, within ten days of our mailing this decision. OAR 471-041-0090(2). Unless such objection is received and sustained, the exhibit will remain in the record.

**FINDINGS OF FACT:** (1) On or about May 22, 2024, claimant filed an initial claim for regular unemployment insurance benefits that the Department determined was monetarily valid. Claimant thereafter claimed benefits for the weeks including May 19, 2024 through June 29, 2024 (weeks 21-24 through 26-24). These are the weeks at issue.

(2) On or about May 26, 2024, claimant received a letter from the Department stating that he must call or visit a WorkSource office using the contact information provided to schedule an appointment to meet with an employment specialist, register for work in the iMatchSkills system, and complete identity verification during his WorkSource appointment. The letter gave a deadline of June 7, 2024 to complete these requirements.

(3) Claimant read the letter but instead of contacting, or appearing at, a WorkSource office, claimant attempted to contact the Department's general customer service number on at least three occasions by June 7, 2024. He was unable to speak with anyone on these occasions due to high call volume.

(4) On June 28, 2024, a Department representative contacted claimant in response to a message he submitted, and reiterated the instructions stated in the letter he had received on or around May 26, 2024. On July 1, 2024, claimant went to a WorkSource office and completed the work registration and identity verification requirements.

(5) On July 25, 2024, Orders No. 24-UI-260388 and 24-UI-260397 were mailed to claimant's address of record on file with the Office of Administrative Hearings (OAH). Each order stated, "You may appeal this decision by filing the attached form Application for Review with the Employment Appeals Board within 20 days of the date that this decision is mailed." Order No. 24-UI-260388 at 3; Order No. 24-UI-260397 at 5. Each order also stated on the Certificate of Mailing, "Any appeal from this Order must be filed on or before August 14, 2024 to be timely."

(6) Claimant had previously elected to receive communications regarding his claim electronically and therefore expected the hearing orders to be sent electronically rather than through the mail. Additionally, from approximately July 25, 2024 through September 13, 2024, claimant was "traveling intermittently" for work. EAB Exhibit 1 at 1. These factors "contributed to [claimant's] delay in seeing the [orders under review]." EAB Exhibit 1 at 1. Claimant opened the orders on September 13, 2024 and filed late applications for review of them on September 15, 2024.

**CONCLUSIONS AND REASONS:** Claimant’s late applications for review are allowed. Claimant failed to provide identity information and failed to register for work in accordance with the Department’s rules.

**Late applications for review.** An application for review is timely if it is filed within 20 days of the date that the Office of Administrative Hearings (OAH) mailed the order for which review is sought. ORS 657.270(6); OAR 471-041-0070(1) (May 13, 2019). The 20-day filing period may be extended a “reasonable time” upon a showing of “good cause.” ORS 657.875; OAR 471-041-0070(2). “Good cause” means that factors or circumstances beyond the applicant’s reasonable control prevented timely filing. OAR 471-041-0070(2)(a). A “reasonable time” is seven days after the circumstances that prevented the timely filing ceased to exist. OAR 471-041-0070(2)(b). A late application for review will be dismissed unless it includes a written statement describing the circumstances that prevented a timely filing. OAR 471-041-0070(3).

The applications for review of Orders No. 24-UI-260388 and 24-UI-260397 were due by August 14, 2024. Because claimant filed his applications for review on September 15, 2024, they were filed late. Claimant wrote that his discovery of the orders was delayed until September 13, 2024 because of intermittent travel for work, and because he was expecting to receive the orders electronically. EAB Exhibit 1 at 1.

To the extent claimant was prevented from timely filing the applications for review because he expected to receive the orders electronically, the record shows that his expectation was reasonable under the circumstances. Claimant wrote that because he had received claim notices electronically to that point, including the notice of hearing, he therefore “had been expecting all future updates and critical information through [Frances Online] or email.” EAB Exhibit 1 at 1. While the Department and OAH are separate entities with differing policies on how correspondence is sent, claimant was likely unaware of this distinction and believed that his election of electronic communication would be applied throughout the appeals process. Combined with claimant’s inability to regularly check his mail due to work-related travel during the timely filing period, these factors prevented claimant from timely filing his applications for review and were beyond his reasonable control. Good cause to extend the deadline for timely filing has therefore been shown.

Claimant wrote that the factors that prevented timely filing ended on September 13, 2024. EAB Exhibit 1 at 1. It can be inferred that claimant was able to check his mail on that date during a break from travel and discovered the orders under review. Because the late applications for review were filed two days later, on September 15, 2024, they were filed within a seven-day “reasonable time” after the factors that prevented timely filing ended. Accordingly, claimant’s late applications for review are allowed.

**Failure to provide identity information.** 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. \* \* \*

Claimant testified that he received a letter instructing him to register for work and verify his identity, and estimated he “saw it by May 25th or 26th.” Audio Record at 18:09 to 18:28. At hearing, claimant read the relevant portions of the letter into the record, including the registration and identity verification requirements, instructions on how to complete them, and the June 7, 2024 deadline by which they had to be completed. Audio Record at 20:05. Claimant explained that he completed the portions of the requirements that he could complete online and “thought [he] had completed everything,” so was awaiting further instructions or clarification from the Department. Audio Record at 24:20. Claimant attempted to contact the Department by phone and through online messages but was unable to communicate with anyone until June 28, 2024. In the June 28, 2024 communication, the representative reiterated the information contained in the letter claimant had received in May. Claimant testified that “in looking back at the very first letter, it seems black and white. . . [the letter] outlined the steps.” Audio Record at 25:42 to 26:20.

On July 1, 2024, the following business day, claimant went to a WorkSource office and completed the requirements stated in the letter. The record therefore shows that claimant received adequate notice of what was required of him in order to verify his identity, prior to the June 7, 2024 deadline stated in the letter, and that he had the ability to timely provide the requested information. Because claimant failed to provide requested information in accordance with the Department’s rules during the weeks of June 2, 2024 through June 29, 2024 (weeks 23-24 through 26-24), he is ineligible to receive benefits for those weeks.

**Failure to register for work.** ORS 657.155(1)(a) states that an unemployed individual is eligible to receive benefits only if the individual has registered for work and thereafter continued to report at an employment office in accordance with Department rules. ORS 657.159(1) states that to satisfy the registration requirement of ORS 657.155(1) an individual shall submit such information regarding the individual’s job qualifications, training and experience as the Department requests.

OAR 471-030-0035 (January 11, 2018) states in relevant part:

(1) A claimant may fulfill the “registered for work” requirements of ORS 657.155(1)(a) by completion of such processes as directed by the Director in order to create a full registration for work.

(2) "Full registration for work" as used in this rule, means providing information regarding the individual's job qualifications, skills, training and experience as the Director or an authorized representative of the Director deems necessary to carry out job placement services for the individual.

\* \* \*

OAR 471-020-0020 (August 8, 2004) states in relevant part:

(1)(a) Except for individuals identified in OAR 471-020-0021, all unemployment insurance claimants shall submit such information as may be required by the Oregon Employment Department to carry out job placement services for the individual including, but not limited to, the individual's job qualifications, training and experience. Such information shall be entered into the Business & Employment Services online job match system concurrent with, or as soon as possible following, the filing of an initial claim for unemployment insurance benefits. Entry of this information shall constitute enrollment.

\* \* \*

As stated above, claimant received a letter from the Department, on or about May 26, 2024, which detailed the steps necessary to register for work, including iMatchSkills registration and an interview at a WorkSource office. Claimant testified that he did not complete these steps until July 1, 2024, after a Department representative reiterated the information from the letter to him on June 28, 2024. As with the identity verification requirement, the record shows that claimant had adequate notice of what was required of him in order to register for work, and had the ability to timely complete the requirements, but failed to do so by the deadline stated in the letter.

However, because the deadline for work registration was June 7, 2024, claimant did not fail to register for work as required during the weeks of May 19, 2024 through June 1, 2024 (weeks 21-24 and 22-24), and is eligible to receive benefits for those weeks on that basis. Claimant failed to register for work as required during the week of June 2, 2024 through June 8, 2024, and is therefore ineligible to receive benefits for that week.

For these reasons, claimant is eligible to receive unemployment insurance benefits for the weeks of May 19, 2024 through June 1, 2024 (weeks 21-24 and 22-24), and is ineligible to receive benefits for the weeks of June 2, 2024 through June 29, 2024 (weeks 23-24 through 26-24).<sup>2</sup>

**DECISION:** Claimant's late applications for review are allowed. Orders No. 24-UI-260388 and 24-UI-260397 are affirmed.

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<sup>2</sup> The Department's records suggest that on July 29, 2024, after the issuance of Order No. 24-UI-13301, the Department issued decision # L0004467556, again denying claimant benefits indefinitely, effective June 2, 2024, for failing to provide identity information as required. As the Department's records also suggest that claimant completed the identity verification requirements on July 1, 2024, as EAB's decision has found, it is possible that decision # L0004467556 was erroneously issued, inasmuch as it imposed a period of ineligibility after June 29, 2024 (week 26-24). The parties may wish to further review that administrative decision and whether any indefinite period of ineligibility has ended.

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

**DATE of Service: October 2, 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](https://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.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**  
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