

EMPLOYMENT APPEALS BOARD DECISION
2024-EAB-0747

Reversed
Eligible Weeks 18-24 through 23-24

PROCEDURAL HISTORY: On June 11, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant had failed to provide identity verification information and was therefore ineligible to receive unemployment insurance benefits effective October 29, 2023 (decision # L0004417007). Claimant filed a timely request for hearing. On October 16, 2024, ALJ Adamson conducted a hearing at which the Department failed to appear, and on October 17, 2024, issued Order No. 24-UI-269905, affirming decision # L0004417007 by concluding that claimant had failed to provide identity verification information and was ineligible to receive benefits for the weeks of April 28, 2024, through June 8, 2024 (weeks 18-24 through 23-24). On October 23, 2024, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB considered claimant's argument in reaching this decision.

FINDINGS OF FACT: (1) Claimant filed an initial application for unemployment insurance benefits effective September 23, 2023. The Department determined that the claim was monetarily valid with a weekly benefit amount of \$636. Claimant did not immediately claim any weeks of benefits.

(2) On October 17, 2023, the Department mailed a letter to claimant stating that she must verify her identity by October 31, 2023. Claimant received the letter prior to the deadline, but had already secured new employment. Claimant was living and working outside of Oregon and did not intend to claim unemployment insurance benefits in Oregon. Claimant therefore declined to complete the identity verification process.

(3) On April 30, 2024, claimant separated from her new employment. Claimant filed an initial application for unemployment insurance benefits in Washington, her state of residence. Washington determined that the claim was invalid because of claimant's open Oregon claim. Claimant therefore restarted her Oregon claim and claimed benefits for the weeks of April 28, 2024, through June 8, 2024 (weeks 18-24 through 23-24). These are the weeks at issue. The Department did not pay claimant benefits for the weeks at issue.

(4) Claimant did not attempt to verify her identity after restarting her claim because she was unaware that any period of ineligibility resulting from her failure to complete identity verification during her initial claim would continue once she restarted her claim. Claimant had also misplaced the October 17, 2023, letter containing the instructions on how to complete the requirement.

(5) On June 11, 2024, the Department issued decision # L0004417007, denying claimant benefits indefinitely due to her failure to complete identity verification by October 31, 2023.

(6) On June 12, 2024, claimant completed the identity verification requirement.

CONCLUSIONS AND REASONS: Claimant was not ineligible for benefits for the weeks at issue as a result of failing to provide identity verification 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 . . . information required for processing their claim. * * *
- (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. * * *

OAR 471-030-0040 (January 11, 2018) provides:

- (1) As used in these rules, unless the context requires otherwise:

* * *

(b) An “initial claim” is a new claim that is a certification by a claimant completed as required by OAR 471-030-0025 to establish a benefit year or other eligibility period;

(c) “Additional claim” is a claim certification by a claimant completed as required by OAR 471-030-0025 that restarts a claim during an existing benefit year or other eligibility period and certifies to the end of a period of employment;

(d) “Reopened claim” is a certification by a claimant completed as required by OAR 471-030-0025 that restarts a claim during an existing benefit year or other eligibility period and certifies that there was no employment in any week since last reporting on this claim;

* * *

The Department mailed a letter to claimant on October 17, 2023, stating that she was required to verify her identity by October 31, 2023. Claimant received the letter prior to the deadline. However, because

claimant had secured new employment, was living and working outside of Oregon, and did not intend to claim benefits in Oregon, she declined to complete identity verification by the deadline. The order under review concluded that claimant was not entitled to receive benefits for the weeks at issue because she was on notice of the identity verification requirement prior to the deadline, but failed to complete it until June 12, 2024. Order No. 24-UI-269905 at 3. The record supports that claimant failed to complete the requirement by the deadline, but does not show that claimant had adequate notice of the impact this failure would have, at the time she decided not to complete it, if claimant eventually restarted her claim by filing an “additional claim.”

Though claimant filed an initial claim for unemployment insurance benefits effective September 23, 2023, she quickly became reemployed and did not claim any benefits. Claimant lived and worked outside of Oregon at the time she received notice of the identity verification requirement, and it can reasonably be inferred that she believed that failure to complete the requirement by the deadline would not impact her eligibility to receive any benefits she might claim in the event of future unemployment. It can reasonably be inferred that the October 17, 2023, letter, which is not in the record, did not specifically state that benefits would be denied on an additional claim filed after the deadline passed if the identity verification requirement was not completed by the deadline. It can further be inferred that the letter did not state whether claimant could have completed the identity verification after the deadline had passed, or what the effects of failing to do so would be. That claimant completed identity verification the day after decision # L0004417007 was issued supports these inferences. Accordingly, claimant did not have adequate notice of what was required of her to maintain eligibility for benefits with regard to providing identity verification information for the weeks at issue *after* she filed the additional claim.

For these reasons, claimant is not ineligible to receive benefits for the weeks of April 28, 2024, through June 8, 2024 (weeks 18-24 through 23-24) on the basis of her failure to provide identity verification information by the deadline set forth in the October 2023 letter.

DECISION: Order No. 24-UI-269905 is set aside, as outlined above.

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

DATE of Service: November 20, 2024

NOTE: This decision reverses the ALJ’s order denying claimant benefits. Please note that in most cases, payment of benefits owed will take about a week for the Department to complete.

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

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