

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

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0112**

*Affirmed*  
*Ineligible Effective Week 51-24*

**PROCEDURAL HISTORY:** On December 24, 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 effective December 15, 2024, and until the reason for the denial ended (decision # L0007935520). Claimant filed a timely request for hearing. On February 10, 2025, ALJ Micheletti conducted a hearing at which the Department failed to appear, and on February 12, 2025, issued Order No. 25-UI-282994, affirming decision # L0007935520. On February 17, 2025, claimant filed an application for review of Order No. 25-UI-282994 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 him 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. EAB considered any parts of claimant's argument that were based on the hearing record.

**FINDINGS OF FACT:** (1) In October 2024, claimant filed an initial claim for unemployment insurance benefits that the Department determined was monetarily valid.

(2) After claimant filed the initial claim, the Department mailed claimant a code he could use to establish a Frances Online account. The Department also notified claimant that he would have to provide information to verify his identity and provided a deadline for doing so.

(3) Claimant took no action to verify his identity. Claimant used the code to establish his Frances Online account and believed that doing so was sufficient to verify his identity. Claimant also received payment for benefit weeks he claimed, which he felt supported his belief that the identity verification requirement had been satisfied.

(4) On or before December 21, 2024, the deadline for claimant to verify his identity passed without claimant having done so. The Department did not pay claimant benefits for the week of December 15, 2024, through December 21, 2024 (week 51-24) or thereafter.<sup>1</sup>

(5) On December 24, 2024, the Department issued decision # L0007935520, concluding that claimant was ineligible to receive benefits, effective December 15, 2024, and until the reason for the denial ended, because he failed to provide information to verify his identity. Claimant received the decision shortly after it was mailed. Claimant did not attempt to verify his identity following receipt of the decision due to his confusion about the requirement, which he expected would be clarified at a hearing on decision # L0007935520.

(6) As of the February 10, 2025, hearing, claimant had not attempted to verify his identity.

**CONCLUSIONS AND REASONS:** Claimant failed to provide identity information in accordance with the Department's rules.

Under ORS 657.155(1)(b), 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

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<sup>1</sup> EAB has taken notice of this fact which is contained in Employment Department records. OAR 471-041-0090(1) (May 13, 2019). Any party that objects to our taking notice of this information 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 noticed fact will remain in the record.

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.

Where the Department has paid benefits, it has the burden to prove benefits should not have been paid; by logical extension of that principle, where benefits have not been paid claimant has the burden to prove that the Department should have paid benefits. *Nichols v. Employment Division*, 24 Or App 195, 544 P2d 1068 (1976).

The Department required claimant to verify his identity in person upon filing an initial claim for benefits. It is reasonable to infer from the issuance of decision # L0007935520 that the Department set a deadline for claimant to verify his identity that was no later than December 21, 2024. December 21, 2024, was the end of the benefit week for which that decision concluded claimant became ineligible to receive benefits. At hearing, claimant was asked if he received a notice stating that he had to complete identity verification. Audio Record at 2:00. Claimant testified, “No, I was under the impression that I received a code through . . . regular mail and I went ahead and entered that in the system and I was under the impression it was verified. I was not told that I had to go to like a post office or anything, otherwise I would have done that.” Audio Record at 2:06. This testimony suggests that claimant was at least generally aware that the identity verification requirement existed, but misunderstood that using the code to activate his Frances Online account would satisfy the requirement.

Claimant further testified that even after receiving decision # L0007935520, he made no attempt to verify his identity, and had not verified his identity as of the date of the hearing. Audio Record at 2:35. Claimant explained that it was “confusing” that he had received benefits for the first week or two of his claim, “but then at a later time it was telling me my identity wasn’t verified.” Audio Record at 2:42. Claimant further testified that he decided to wait and “find out about it” at the hearing on decision # L0007935520. Audio Record at 2:50.

The record shows that, more likely than not, claimant had notice of the identity verification requirement prior to the deadline set by the Department for completing it. Claimant apparently mistakenly believed that his establishment of a Frances Online account using a code sent by mail, and his receipt of benefits for one or more weeks at the start of his claim, confirmed that he had satisfied the identity verification requirement. However, such a mistake was not the result of a lack of notice that the requirement existed. Claimant’s failure to inquire after receiving decision # L0007935520 as to why the Department concluded that the requirement had not been satisfied, or as to how he could satisfy the requirement at that time and end the period of ineligibility, further supports that claimant failed to provide identity verification for reasons other than lacking notice of the requirement.

For these reasons, claimant failed to provide identity information in accordance with the Department's rules and is ineligible to receive unemployment insurance benefits effective December 15, 2024, and until the reason for the denial ends.<sup>2</sup>

**DECISION:** Order No. 25-UI-282994 is affirmed.

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

**DATE of Service:** March 13, 2025

**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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<sup>2</sup> To end the period of ineligibility based on this issue, claimant may verify his identity in person by following the instructions in Frances Online, and should contact the Department with any questions about the process. Claimant may obtain more information about how to verify his identity by visiting this website, <https://unemployment.oregon.gov/verify-identity>.



# 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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