

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0525

Affirmed
Ineligible Weeks 43-24 through 04-25

PROCEDURAL HISTORY: On October 29, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to provide information to verify his identity in accordance with the Department's rules, and was therefore ineligible to receive unemployment insurance benefits beginning October 20, 2024 (decision # L0006839975). Claimant filed a timely request for hearing. On August 6, 2025, ALJ Blam conducted a hearing. The Department provided a written statement called an Attestation instead of having a witness attend the hearing. On August 13, 2025, ALJ Blam issued Order No. 25-UI-300472, modifying decision # L0006839975 by concluding that claimant failed to verify his identity in accordance with the Department's rules and was ineligible to receive benefits for the weeks of October 20, 2024 through January 25, 2025 (weeks 43-24 through 04-25). On September 2, 2025, claimant filed an application for review of Order No. 25-UI-300472 with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB considered claimant's September 2 and 23, 2025 written arguments in reaching this decision.

FINDINGS OF FACT: (1) On October 10, 2024, claimant filed an initial claim for unemployment insurance benefits that the Department determined was monetarily valid. Claimant thereafter claimed benefits for the weeks of October 20, 2024 through January 25, 2025 (weeks 43-24 through 04-25). These are the weeks at issue. The Department did not pay claimant benefits for the weeks at issue. Claimant chose when filing his initial claim to receive correspondence from the Department in Frances Online.

(2) On October 11, 2024, the Department sent claimant a notice in Frances Online stating that he was required to complete various tasks regarding his claim as a condition of eligibility to receive benefits, including verifying his identity in person at a WorkSource office by October 25, 2024. Claimant viewed the notice on October 11, 2024.

(3) Claimant received other correspondence from the Department regarding his claim and a Paid Leave Oregon claim in October 2024. Claimant focused on responding to these inquiries and did not go to a WorkSource office to verify his identity by October 25, 2024.

(4) After receiving decision # L0006839975, claimant understood that he was being denied benefits because he had failed to verify his identity, but believed that requesting a hearing on the administrative decision was his only option for pursuing benefits. Claimant therefore did not visit a WorkSource office to verify his identity from when decision # L0006839975 was issued through at least January 25, 2025. Claimant attempted to reach the Department by telephone several times during that period to ask about his eligibility for benefits, but was unable to speak with anyone.

CONCLUSIONS AND REASONS: Claimant failed to provide information to verify his identity 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) says 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. * * *

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

The Department asserted in their Attestation that on October 11, 2024, claimant viewed a notice sent to him that day in Frances Online that stated he was required to visit a WorkSource office by October 25, 2024, to verify his identity. Exhibit 1 at 1. At hearing, claimant did not dispute this assertion, but testified that he received numerous inquiries from the Department around that time regarding his unemployment insurance and Paid Leave Oregon claims, and did not recall some specifics of the identity verification notice. Audio Record at 8:50, 9:40. Claimant testified that although he remembered the notice having referenced "something about a WorkSource," at some point he clicked a link to a website he thought was part of verifying his identity and which asked for information such as his Social Security number, but he did not believe the website was "legitimate" and did not submit information through it. Audio Record at 9:10. Other than suggesting that he might not have fully read the October 11, 2024 notice, or did not recall the notice's contents after reading it, claimant did not explain why he failed to bring documents to verify his identity to a WorkSource office by the October 25, 2024 deadline. *See* Audio Record at 8:50. OAR 471-030-0025 contains no "good cause" exception for failing to comply with the Department's request to provide identity verification information by the deadline stated in the notice.

Moreover, even after receiving decision # L0006839975, which claimant understood to deny him benefits on and after October 20, 2024 for having failed to verify his identity, claimant did not attempt to re-read the October 11, 2024 notice or verify his identity by visiting a WorkSource office. Claimant argued that by failing to explicitly state that he could end the period of ineligibility at any time by verifying his identity, decision # L0006839975 led him to mistakenly believe that appealing that decision was his only option to pursue benefits for the weeks claimed following the issuance of that decision. *See, e.g.*, Claimant's September 2, 2025 Written Argument at 1.

It is regrettable that claimant did not realize he could verify his identity even after the October 25, 2024 deadline to end the ineligibility period, and that he could not reach the Department by telephone to discuss the administrative decision. However, considering in combination the October 11, 2024 notice, decision # L0006839975, and the fact that claimant did not receive a benefit payment after filing a claim for each of the weeks at issue, claimant had sufficient notice of the reason benefits continued to be denied and how to end that denial, such that the requirements of due process were satisfied. Accordingly, claimant failed to provide information to verify his identity in accordance with the Department's rules, and is ineligible to receive unemployment insurance benefits for the weeks of October 20, 2024 through January 25, 2025 (weeks 43-24 through 04-25).

DECISION: Order No. 25-UI-300472 is affirmed.

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

DATE of Service: October 1, 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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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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