

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0532**

*Reversed*  
*Late Request for Hearing Allowed*  
*Merits Hearing Required*

**PROCEDURAL HISTORY:** On June 17, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to verify their identity, and therefore was ineligible to receive unemployment insurance benefits effective June 15, 2025 (decision # L0011248315).<sup>1</sup> On July 7, 2025, decision # L0011248315 became final without claimant having filed a request for hearing. On August 7, 2025, claimant filed a late request for hearing on decision # L0011248315. ALJ Kangas considered claimant's request, and on August 25, 2025, issued Order No. 25-UI-301452, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by September 8, 2025. On September 8, 2025, claimant filed a timely response to the appellant questionnaire and a timely application for review with the Employment Appeals Board (EAB).

**EVIDENTIARY MATTER:** EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence consists of claimant's September 8, 2025 response to the appellant questionnaire, and has been marked as EAB Exhibit 1, and provided to the parties with this decision. Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, saying why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the exhibit will remain in the record.

**FINDINGS OF FACT:** (1) On June 17, 2025, the Department mailed decision # L0011248315 to claimant's address on file with the Department. Decision # L0011248315 stated, "You have the right to appeal our decision and request a hearing if you believe our decision is wrong. We must receive your request for a hearing no later than **July 7, 2025.**" Exhibit 1 at 2 (emphasis in original).

<sup>1</sup> Decision # L0011248315 stated that claimant was denied benefits effective June 16, 2025. This date appears to be error, however, as June 16, 2025 was a Monday, and benefit denials begin on the Sunday of the effective week. As such, it is presumed that the Department intended to deny claimant benefits effective June 15, 2025.

(2) On May 21, 2025, prior to the issuance of decision # L0011248315, claimant visited a WorkSource Oregon office and verified their identity. On May 22, 2025, the Department entered a note into claimant's claim which stated, "Due to management directive, we are reversing identity verification (IDV)/FTP denials to allow payments for the weeks at issue."<sup>2</sup> The Department then paid claimant benefits that they had previously claimed, and claimant "received a letter stating that [they] had successfully verified [their] identity[.]" EAB Exhibit 1 at 3. The Department continued to pay claimant benefits until the week ending June 14, 2025 (week 24-25).<sup>3</sup>

(3) On or around June 20, 2025, claimant received decision # L0011248315, which concluded that claimant had failed to verify their identity, and was therefore ineligible for benefits effective June 15, 2025. When claimant received the administrative decision, they believed that the decision was "sent in error" because they had already resolved the matter of their identity verification. Nevertheless, claimant "sent multiple letters [to the Department] and received only a general response" to their inquiry about what they were required to do at that point. EAB Exhibit 1 at 3.

(4) On or around July 23, 2025, claimant visited the same WorkSource Oregon office to inquire as to why their benefits were not being paid, and explained that they had been unable to contact the Department by phone. A representative there advised claimant to use the live chat feature in Frances Online, which claimant agreed to do.<sup>4</sup>

(5) On July 30, 2025, claimant contacted the Department via the live chat feature and explained their confusion about the identity verification requirement. The representative with whom claimant chatted advised claimant to upload documents relating to the identity verification. The representative also entered a note in claimant's claim stating, in relevant part, "Also provided instructions to appeal denial once IDV FTP is ended."<sup>5</sup>

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<sup>2</sup> EAB has taken notice of these facts, which are contained in Employment Department records. OAR 471-041-0090(1). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the noticed facts will remain in the record.

<sup>3</sup> EAB has taken notice of these facts, which are contained in Employment Department records. OAR 471-041-0090(1). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the noticed facts will remain in the record.

<sup>4</sup> EAB has taken notice of these facts, which are contained in Employment Department records. OAR 471-041-0090(1). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the noticed facts will remain in the record.

<sup>5</sup> EAB has taken notice of these facts, which are contained in Employment Department records. OAR 471-041-0090(1). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the noticed facts will remain in the record.

(6) On August 5, 2025, a Department representative entered a comment into claimant's claim which stated, in relevant part, "Reopened to end denial. Clmt provided IDV documents via Frances message on 8/5/25."<sup>6</sup>

(7) On August 7, 2025, claimant filed a request for hearing on decision # L0011248315.

**CONCLUSIONS AND REASONS:** Order No. 25-UI-301452 is reversed and this matter remanded for a hearing on the merits of decision # L0011248315.

ORS 657.269 states that the Department's decisions become final unless a party files a request for hearing within 20 days after the date the decision is mailed. ORS 657.875 states that the 20-day deadline may be extended a "reasonable time" upon a showing of "good cause." OAR 471-040-0010 (February 10, 2012) states that "good cause" includes factors beyond an applicant's reasonable control or an excusable mistake, and defines "reasonable time" as seven days after those factors ended.

The request for hearing on decision # L0011248315 was due by July 7, 2025. Because claimant did not file their request for hearing until August 7, 2025, the request was late. However, the record shows that claimant failed to file a timely request for hearing due to an excusable mistake. Approximately a month prior to the issuance of decision # L0011248315, claimant visited a WorkSource Oregon office, verified their identity, and shortly thereafter received payment for the benefits they had claimed. Based on this series of events, claimant believed that they had fulfilled the identity verification requirement, and therefore believed that decision # L0011248315 was "sent in error." Claimant subsequently attempted to contact the Department multiple times about the matter, but was not able to get an explanation for what occurred until claimant spoke to a Department representative via live chat on July 30, 2025. Given claimant's reasonable belief that the administrative decision had been sent in error, their choice to clarify the matter with the Department instead of appealing the decision was an excusable mistake.

Further, claimant apparently relied on the July 30, 2025 advice of the Department representative to "appeal [the] denial once IDV FTP is ended." Although claimant was not, in fact, required to wait until the denial had been ended to file the request for hearing, it was reasonable for them to rely on the Department representative's advice to do so, as claimant would not have had reason to believe that the representative gave them incorrect advice. Thus, the circumstances which prevented claimant from filing a timely request for hearing ended on August 5, 2025, the date on which the denial of benefits was ended. As claimant filed their request for hearing two days later, on August 7, 2025, they filed their late request for hearing within a reasonable time.

For the above reasons, claimant had good cause for failing to file a timely request for hearing, and filed their late request for hearing within a reasonable time. Claimant's late request for hearing on decision # L0011248315 therefore is allowed, and claimant is entitled to a hearing on the merits of that decision.

**DECISION:** Order No. 25-UI-301452 is set aside, and this matter remanded for further proceedings consistent with this order.

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<sup>6</sup> EAB has taken notice of these facts, which are contained in Employment Department records. OAR 471-041-0090(1). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the noticed facts will remain in the record.

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

**DATE of Service: October 6, 2025**

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Order No. 25-UI-301452 or return this matter to EAB. Only a timely application for review of the order mailed to the parties after the remand hearing will return this matter to EAB.

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

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