

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0267**

*Modified*  
*Late Request for Hearing Allowed*  
*Eligible Weeks 35-24, 48-24, 52-24 through 01-25, and 25-25 through 26-25*

**PROCEDURAL HISTORY:** On September 4, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant had failed to verify his identity in accordance with the Department's rules, and therefore was not eligible for unemployment insurance benefits effective August 25, 2024 (decision # L0006077997). On September 24, 2024, decision # L0006077997 became final without claimant having filed a request for hearing. On July 11, 2025, claimant filed a late request for hearing on decision # L0006077997. ALJ Kangas considered claimant's request, and on July 25, 2025 issued Order No. 25-UI-298729, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by August 8, 2025. On August 8, 2025, claimant filed a timely response to the appellant questionnaire. On October 9, 2025, the Office of Administrative Hearings (OAH) mailed a letter stating that Order No. 25-UI-298729 was vacated and that a hearing would be scheduled to determine whether claimant had good cause to file the late request for hearing and, if so, the merits of decision # L0006077997.

On February 18, 2026, ALJ Parnell conducted a hearing at which the Department failed to appear, and on February 25, 2026 issued Order No. 26-UI-321503, allowing claimant's late request for hearing on decision # L0006077997, and modifying that decision on the merits by concluding that claimant failed to verify his identity in accordance with the Department's rules, and was eligible for benefits for the week of August 25, 2024 through August 31, 2024 (week 35-24), but was not eligible for benefits for the weeks of November 24, 2024 through November 30, 2024 (week 48-24), December 22, 2024 through January 4, 2025 (weeks 52-24 through 01-25), and June 15, 2025 through June 28, 2025 (weeks 25-25 through 26-25). On March 17, 2026, claimant filed an application for review of Order No. 26-UI-321503 with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** EAB considered claimant's written argument when reaching this decision.

**PARTIAL ADOPTION:** EAB considered the entire hearing record, including witness testimony and any exhibits admitted as evidence. EAB agrees with the part of Order No. 26-UI-321503 allowing

claimant's late request for hearing. That part of Order No. 26-UI-321503 is **adopted**. See ORS 657.275(2).

**FINDINGS OF FACT:** (1) On August 15, 2024, claimant filed an initial claim for unemployment insurance benefits. Claimant subsequently claimed benefits for the weeks of August 25, 2024 through August 31, 2024 (week 35-24), November 24, 2024 through November 30, 2024 (week 48-24), December 22, 2024 through January 4, 2025 (weeks 52-24 through 01-25), and June 15, 2025 through June 28, 2025 (weeks 25-25 through 26-25). These are the weeks at issue. The Department paid claimant benefits for week 35-24, but did not pay claimant benefits for any of the other weeks at issue.<sup>1</sup>

(2) On September 4, 2024, the Department issued decision # L0006077997, which denied claimant benefits effective August 25, 2024 on the basis that he had failed to verify his identity. Claimant did not receive decision # L0006077997 and had not received any notice prior to its issuance that he was required to verify his identity.

(3) On July 11, 2025, after noticing that his weekly benefits had not been paid, claimant "made [a] verbal request for an [a]ppeal" by speaking to a Department representative. Exhibit 1 at 9. Prior to that, claimant had not received decision # L0006077997 or any other notice that he had been denied benefits relating to the ID verification issue.

**CONCLUSIONS AND REASONS:** Claimant was eligible for benefits for the weeks at issue.

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 . . . 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. \* \* \*

Decision # L0006077997 denied claimant benefits because he had not verified his identity following the Department's rules. The order under review modified the result of decision # L0006077997 by concluding that claimant was eligible for benefits for week 35-24, but was not eligible for benefits for any of the remaining weeks at issue. Order No. 26-UI-321503 at 5. The order under review based this conclusion on findings that a Reemployment Services and Eligibility Assessment (RESEA) letter which included a deadline of August 30, 2024 to complete, among other things, the identity verification, was delivered to claimant's Frances Online account on August 19, 2024. Order No. 26-UI-321503 at 2. It

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<sup>1</sup> EAB has taken notice of these facts, which are contained in Employment Department records. OAR 471-041-0090(1) (May 13, 2019). 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 noticed facts will remain in the record.

further concluded that claimant was eligible for benefits for week 35-24 because, as claimant had not actually received the RESEA letter (or decision # L0006077997), he would not have known by that time of the requirement; but that because he continued to claim benefits some months later, he “should have been aware that he was denied benefits because he never received the benefits that he claimed for [week 35-24],” and it was “objectively unreasonable” for claimant to continue filing weekly claims without receiving benefits and then wait so long before contacting the Department to inquire as to why he was not receiving them. Order No. 26-UI-321503 at 5. This argument fails for lack of substantial reason.

As the order under review acknowledged, claimant did not receive official notice of the reason for the denial of his benefits for most of the weeks at issue until July 2025. Due process requires that a claimant be notified of requirements necessary for them to remain eligible for benefits before denying benefits on the basis that they had failed to meet those same requirements. The order under review was correct in allowing claimant benefits for week 35-24 because due process had not been met. However, the order under review cited no authority to support the proposition that a further, extended lack of information about the denial of claimant’s benefits somehow satisfied due process, and no such authority is otherwise apparent. Thus, claimant was not afforded due process on the identity verification process until July 2025 when he spoke to a Department representative at the time he filed his appeal, after all of the weeks at issue had already passed, and it is therefore inappropriate to deny claimant benefits for any of the weeks at issue. Furthermore, while claimant might have been wise to follow up with the Department on the matter of his unpaid benefits in a timelier manner, the fact that he did not do so is not a valid basis for denying him benefits for any of the weeks at issue.

In sum, because claimant was not notified of the identity verification requirements prior to any of the weeks at issue, claimant should not be denied benefits for any of the weeks at issue on the basis of his having failed to verify his identity. Claimant is therefore allowed benefits for all of the weeks at issue, if otherwise eligible.

**DECISION:** Order No. 26-UI-321503 is modified, as outlined above.

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

**DATE of Service:** April 29, 2026

**NOTE:** This decision modifies 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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you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.



# 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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