

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0549

Modified
Eligible Weeks 23-25 through 33-25
Ineligible Weeks 34-25 through 38-25

PROCEDURAL HISTORY: On June 3, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to verify his identity in accordance with Department rules and was ineligible for benefits beginning June 1, 2025 (decision # L0011032877).¹ Claimant filed a timely request for hearing. On May 14, 2026, ALJ Enyinnaya conducted a hearing, and on May 19, 2026 issued Order No. 26-UI-330688, modifying decision # L0011032877 by concluding that claimant failed to verify his identity and was ineligible for benefits for the weeks from June 1 through September 20, 2025 (weeks 23-25 through 38-25).² On May 27, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

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

FINDINGS OF FACT: (1) On April 25, 2025, claimant filed an initial claim for benefits. Claimant subsequently claimed benefits for the weeks of June 1 through September 20, 2025 (weeks 23-25 through 38-25). These are the weeks at issue. The Department did not pay claimant benefits for the weeks at issue.

(2) At the time that he filed his initial claim, claimant was still working but expected to be laid off shortly. As such, claimant did not immediately begin filing weekly claims.

¹ Decision # L0011032877 stated that claimant was denied benefits beginning on June 2, 2025. However, this appears to be error, as June 2, 2025 was a Monday, and benefit denials must begin on the Sunday of the effective week. As such, decision # L0011032877 should have stated that claimant was ineligible for benefits effective June 1, 2025.

² Although Order No. 26-UI-330688 stated it affirmed decision # L0011032877, it modified that decision by changing the effective dates of ineligibility. Order No. 26-UI-330688 at 3.

(3) On April 28, 2025, the Department delivered to claimant via his Frances Online account a letter stating that he was required to verify his identity at a local post office by May 12, 2025.³ Claimant successfully verified his identity at a post office on the same day.

(4) On May 14, 2025, the Department issued another letter to claimant indicating that he was required to verify his identity by May 27, 2025. The letter was issued because claimant had filed his first weekly claim for benefits, which resulted in the system restarting his claim.⁴ However, the letter did not acknowledge that claimant had already verified his identity or explain why doing so again was now required. Claimant received the May 14, 2025 letter by mail but disregarded it at the time because he had already verified his identity and therefore believed the letter had been sent in error.

(5) On June 3, 2025, claimant received decision # L0011032877, which explained that he was denied benefits due to his failure to verify his identity, via his Frances Online account. On the same day, claimant sent the Department a message requesting clarification about the denial, as he had already verified his identity. Claimant also looked at his Frances Online account to see if he could re-verify his identity that way, but the option to do so was greyed out and therefore unavailable.

(6) On August 13, 2025, a Department representative responded to claimant's June 3, 2025 message, explaining that while claimant had successfully verified his identity on April 28, 2025, he needed to verify his identity again after having restarted his claim because that qualified as a "major change." Audio Record at 20:38. The representative subsequently left a comment in claimant's claim stating, in relevant part, "clmnt stating alreedy [*sic*] verified id at [post office] on 04/28/25. advsd clmnt correct, however when did restart 05/14/25 new id request went out and that was not answered. advsd to continue to claim weeks while in appeal."⁵

(7) On January 2, 2026, claimant visited a WorkSource office to follow up on his request for hearing on decision # L0011032877. Claimant verified his identity for the second time during that visit.

CONCLUSIONS AND REASONS: Claimant was eligible for benefits for weeks 23-25 through 33-25 but was not eligible for benefits for weeks 34-25 through 38-25.

³ 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, 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.

⁴ See OAR 471-030-0040(1)(d) (January 11, 2018), defining "Reopened claim" as "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[.]" See also Oregon Employment Department Unemployment Insurance Policy Guide (January 2026) at 12–13, explaining that "interaction points where claimants may be required to complete an identity verification" include the initial application for benefits and "restarts."

⁵ 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, 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 fact(s) will remain in the record.

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 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. * * *

On May 14, 2025, the Department mailed a letter to claimant explaining to him that he was required to verify his identity by May 27, 2025. Claimant failed to do so, as he had already verified his identity on April 28, 2025 after receiving a similar letter, and therefore believed that the May 14, 2025 letter had been sent in error. The letter did not include an explanation as to why he was required to do so again or acknowledge that he had already done so. Further, at some point after receiving the May 14, 2025 letter, claimant looked at his Frances Online account to see if he could re-verify his identity that way, but the option to do so was greyed out and therefore unavailable.

Given the above, the record shows that claimant neither knew nor had reason to know that he was actually required to verify his identity again as of the date of the issuance of decision # L0011032877. Thus, even though the order under review correctly concluded that the requirements under OAR 471-030-0025 do not include exceptions for such circumstances, claimant was not provided with sufficient notice of the requirement that he verify his identity for a second time due to the restarted claim. Order No. 26-UI-330688 at 3. Claimant therefore should not be denied benefits for failing to comply with requirements of which, had he received proper notice, he would have been able to fulfill.

On August 13, 2025, a Department representative responded to claimant’s June 3, 2025 message and explained to him why claimant had been required to re-verify his identity. At that point, any ambiguity regarding whether claimant was actually required to do so again was resolved, and claimant knew, or at least had reason to know, that he was in fact required to re-verify his identity. That the methods by which he might re-verify his identity were not immediately obvious does not change this analysis. The record shows that claimant visited a WorkSource office on January 2, 2026 to follow up on the status of the request for hearing he had filed on decision # L0011032877, and that he was able to re-verify his identity while he was there. While another concern might have prompted the visit, claimant did not show that he could not have visited the WorkSource office at an earlier point in time to inquire as to how to resolve the identity verification matter.

For the above reasons, claimant was eligible for benefits for weeks 23-25 through 33-25, as he was not on sufficient notice of the identity re-verification requirement through those weeks. As of week 34-25, claimant was on notice that he was required to re-verify his identity. Because claimant did not re-verify his identity until January 2026, he failed to meet the eligibility requirements under OAR 471-030-0025 for weeks 34-25 through 38-25 and was not eligible for benefits for those weeks.

DECISION: Order No. 26-UI-330688 is modified, as outlined above.

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

DATE of Service: July 10, 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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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.

Employment Appeals Board - 875 Union Street NE | Salem, OR 97311

Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711

Email: appealsboard@employ.oregon.gov

Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

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