

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0549-R

Request for Reconsideration Allowed
EAB Decision 2026-EAB-0549 Followed on Reconsideration

PROCEDURAL HISTORY AND FINDINGS OF FACT: 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). On July 10, 2026, EAB issued EAB Decision 2026-EAB-0549, modifying Order No. 26-UI-330688 by concluding that 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. On July 29, 2026, claimant filed a timely request for reconsideration of EAB Decision 2026-EAB-0549. This decision is made under EAB's authority from ORS 657.290(3).

CONCLUSIONS AND REASONS: Claimant's request for reconsideration is allowed. EAB Decision 2026-EAB-0549 is followed on reconsideration.

ORS 657.290(3) permits the Employment Appeals Board to reconsider any past decision of the Employment Appeals Board, including "the making of a new decision to the extent necessary and appropriate for the correction of previous error of fact or law." "Any party may request reconsideration to correct an error of material fact or law, or to explain any unexplained inconsistency with Employment Department rule, or officially stated Employment Department position, or prior Employment Department practice." OAR 471-041-0145(1) (May 13, 2019). The request will be dismissed unless it

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.

says that a copy of the request was given to the other parties, and unless it is filed within 20 days after the decision the party wants to be reconsidered was mailed. OAR 471-041-0145(2).

On July 29, 2026, claimant filed a request for reconsideration consistent with the requirements set forth in OAR 471-041-0145. The request for reconsideration is therefore allowed. However, EAB Decision 2026-EAB-0549 is followed on reconsideration.

In brief, the benefit denial in this matter resulted from claimant's failure to verify his identity after the Department mailed him a letter on May 14, 2025, requiring that he verify his identity by May 27, 2025. Claimant, having already verified his identity successfully in accordance with a similar letter mailed on April 28, 2025, did not initially do so again because he had mistakenly believed that the May 14, 2025 letter had been sent to him in error. Order No. 26-UI-330688 affirmed the denial of benefits for all of the 16 weeks at issue, on the basis that no good-cause exceptions exist under OAR 471-030-0025. Order No. 26-UI-330688 at 3. The decision under reconsideration modified this result by allowing benefits for the first eleven of the weeks at issue, as claimant neither knew nor had reason to know that he was required to re-verify his identity again during that time; but denying the remaining five of the weeks at issue because the Department's August 13, 2025 response to claimant's message put him on sufficient notice that he was required to re-verify his identity. EAB Decision 2026-EAB-0549 at 3–4.

In his request for reconsideration, claimant assigned error to the conclusion that the August 13, 2025 response put him on sufficient notice, asserting, in relevant part, that the Department's response "did not direct claimant to re-verify his identity... [but] expressly recommended a different course of action"; "provided no method by which claimant could re-verify"; and "described the re-verification issue in the past tense... in the context of explaining *why* the denial had been issued – not as a current, actionable directive[.]" Claimant's Request for Reconsideration at 3. While claimant's points here are well-taken, the argument is unconvincing.

It should be noted that claimant's request for reconsideration includes a passage that is purported to be the full text of the August 13, 2025 response to claimant's message. That passage included the statements, "We once more [*sic*] asking for identity confirmation by sending you a letter on 5/14/25, this request is what went unanswered. Please be aware that you may be asked to verify your identity when any major change (such as a restart) is made to your claim. I recommend continuing with your appeal." Claimant's Request for Reconsideration at 3. The full text of this message does not appear in the hearing record, and claimant has not shown that he was unable to offer it into the hearing record due to factors or circumstances beyond his reasonable control. *See* ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019). As such, to the extent that claimant seeks to introduce this new information into the record, that request is denied.

However, even if EAB were to consider the above new information, the outcome would remain the same. The thrust of claimant's argument appears to be that the Department did not explicitly tell him that he was required to again verify his identity, or at least not until he visited a WorkSource Oregon office in January 2026. As explained in the decision under reconsideration, the lack of proper notice that prevented claimant from having reason to know that he was required to re-verify his identity was the result of the seemingly-unusual circumstances in which, due to the short period of time that passed between the issuance of the two letters that told him of the verification requirements, coupled with the lack of explanation in the second letter that he had to do so despite the earlier verification, claimant

could not have reasonably known that the second letter was not a duplicate or otherwise sent in error. EAB Decision 2026-EAB-0549 at 3. As of the date of the Department's August 13, 2025 response, however, claimant had *three* separate pieces of information telling him that he had been required to verify his identity: the May 14, 2025 letter, decision # L0011032877, and the August 13, 2025 response from the Department. At that point, it should have been reasonably apparent to claimant that he actually had failed to complete an eligibility requirement; and that, by extension, he would need to resolve that issue if he wished to be eligible for benefits. Further, even though the Department representative apparently told claimant to continue with his appeal, neither the record nor the offered new information shows that claimant had been told to continue with his appeal *but not to re-verify his identity*. Thus, while claimant appears to have misconstrued the Department's instructions, that mistake, even if understandable, was not the result of a lack of notice.

Similarly, the fact that the Department did not explicitly tell claimant which methods he could use to re-verify his identity does not constitute a lack of notice. As of August 13, 2025, claimant at least had reason to be aware that he needed to complete this eligibility requirement again. As noted in the decision under reconsideration, claimant had checked his Frances Online account in June 2025 to see if he could re-verify his identity, but found that the option to do so via the online system was greyed out and therefore unavailable. EAB Decision 2026-EAB-0549 at 2. Even so, claimant had originally verified his identity at a post office, and he therefore knew that verifying his identity via Frances Online was not the only possible method of verification. Even if re-verifying his identity at a post office was not possible (it is not clear from the record whether it was) claimant could have made some inquiry to determine what other options were available to him. Instead, claimant appears not to have made any such effort until January 2026, instead seemingly relying on the presumption that re-verification was not required because one of the options he knew of was unavailable to him.

Claimant's failure to follow up with the Department or make any further inquiry to determine how to resolve the identity verification issue, once he had been told multiple times that he had failed to verify his identity as required, was the result of claimant's own presumption, and not a lack of sufficient notice for the weeks at issue under reconsideration. As such, and because claimant did not meet the eligibility requirements under OAR 471-030-0025 for weeks 34-25 through 38-25, he was not eligible for benefits for those weeks.

DECISION: Claimant's request for reconsideration is allowed. EAB Decision 2026-EAB-0549 is followed on reconsideration.

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

DATE of Service: August 31, 2026

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

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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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