

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0718

Modified
Not Ineligible Weeks 19-26 through 21-26 and 26-26

PROCEDURAL HISTORY: On June 2, 2026, 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 therefore was ineligible to receive unemployment insurance benefits effective May 24, 2026 (decision # L0017794714).¹ Claimant filed a timely request for hearing. On July 7, 2026, ALJ Hall conducted a hearing,² and on July 22, 2026 issued Order No. 26-UI-335653, modifying decision # L0017794714 by concluding that claimant was eligible for benefits for the weeks of May 10 through 16, 2026 (week 19-26) and June 28, 2026 through July 4, 2026 (week 26-26), but was not eligible for benefits for the weeks of May 17 through 30, 2026 (weeks 20-26 through 21-26). On August 10, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

EVIDENTIARY MATTER: The record in this matter contains three marked exhibits, all discussed in the order under review. *See* Order No. 26-UI-335653 at 1. At hearing, the ALJ appeared to admit a fourth exhibit, containing images of claimant's supposed Texas driver's license, to the record. Transcript at 9–10. However, that document was not marked as an exhibit or included in the list of exhibits in the order under review. As a clerical matter, EAB has identified the exhibit based on the ALJ's description of it, and has marked it as Exhibit 4. Transcript at 9–10.

¹ Decision # L0017794714 stated that claimant was denied benefits effective May 29, 2026. However, as benefit denials begin on the Sunday of the effective week, decision # L0017794714 should have stated that claimant was ineligible for benefits effective May 24, 2026.

² The record indicates that an earlier hearing regarding this matter was also held, before ALJ Wahl, on June 22, 2026. *See*, e.g., Transcript at 4. EAB was unable to locate a record of those proceedings and as such, EAB has been unable to review that hearing. As the July 7, 2026 hearing considered the underlying record de novo, however, the record in this matter is presumed to be factually complete.

WRITTEN ARGUMENT: Claimant’s argument contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant’s reasonable control prevented him from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), and with the exception of the noticed information below, EAB considered only information received into evidence at the hearing. EAB considered any parts of claimant’s argument that were based on the hearing record.

FINDINGS OF FACT: (1) On May 13, 2026, claimant filed an initial claim for unemployment insurance benefits. The Department determined claimant’s weekly benefit amount to be \$870.

(2) On May 15, 2026, the Department mailed to claimant a letter indicating that he was required to verify his identity by May 26, 2026. Claimant timely received the letter. At the time, claimant held a current Virginia driver’s license.

(3) On May 22, 2026, claimant attempted to verify his identity by uploading two identity documents, his Virginia license and his US passport, to his Frances Online account. During the process, claimant encountered an “issue” with uploading pictures of both the front and back of his driver’s license which he suspected to be a file-size problem. Exhibit 2 at 19. In an effort to circumvent the issue, claimant used ChatGPT to combine the two separate photos of his Virginia license into one file. Claimant directed ChatGPT to “add both images to the same file” and to “make sure the image is 2,000,000 bytes.” Exhibit 2 at 6. The AI did as claimant instructed and created an image file for him to download. The AI also altered the images to make them look like a Texas driver’s license. Claimant downloaded the combined, altered license image “[w]ithout reviewing the final file,” then uploaded it to Frances Online. Exhibit 2 at 21.

(4) A Department representative reviewed claimant’s uploaded documents and, noticing some irregularities on the purported Texas license, determined that the license “appeared forged.” Transcript at 8. The Department was also concerned about claimant’s photo of his passport, but only because the image he had uploaded was of poor quality. The matter was subsequently referred to a member of the Department’s identity theft team, “KM.”

(5) On May 26, 2026, KM emailed claimant and requested that he provide the following documents to verify his identity: “[a] selfie of [claimant] holding [his] most current ID/driver’s license”; “[a] separate picture of the front and back of [his] id/driver’s license”; “[a] separate picture of the front and back of either [his] signed social security card, birth certificate or passport (must be signed)”; and a mailing with claimant’s “account number, full name and current address... [including] a cable or internet bill[.]” Exhibit 3 at 9. The email indicated that claimant must reply by May 29, 2026 at 5:00 p.m. or “a decision [would] be issued based on available information.” Exhibit 3 at 9.

(6) On May 29, 2026 at 3:42 p.m. PDT,³ claimant responded to KM’s email. Claimant attached with his response eight files: a three-page PDF of his Xfinity bill which included his account number, full name, and current address; two pictures of himself holding his Virginia license, both front and back; two

³ Claimant’s email is dated “May 29, 2026 at 6:42 PM.” Exhibit 3 at 11. However, the record shows that claimant was living in Massachusetts at the time. As such, it can be reasonably inferred that the timestamp was 6:42 p.m. EDT, or 3:42 p.m. PDT.

pictures of only his Virginia license, both front and back; and three pictures of himself holding his passport, including the front cover, back cover, and the interior page with his signature. *See* Exhibit 1 at 3–13.

(7) KM received claimant’s submissions, but determined that claimant’s Virginia license was not a valid ID verification document. Her reasoning for this determination included that claimant’s license varied from examples of Virginia licenses on the Virginia DMV’s website, that it “has holes in it,” that she felt the “font does not look consistent,” that “[t]he background was... almost identical to the Texas driver’s license that was presented,” and that the Virginia license was valid for seven years, rather than for eight years, as was typical for Virginia. Transcript at 19–20. Based on this, the Department did not accept claimant’s submissions as adequate to verify his identity.

(8) Claimant did not claim any weeks of benefits until the week of August 9 through 15, 2026 (week 32-26). As of the date of this decision, claimant has not filed any claims for benefits for any week prior to week 32-26.⁴

CONCLUSIONS AND REASONS: Claimant was not ineligible for benefits for weeks 19-26 through 21-26 and 26-26 on the basis of failing to verify his identity.

Scope of Review. The Department denied claimant benefits effective May 24, 2026 on the basis that he had failed to verify his identity. The order under review modified this determination by concluding that claimant was eligible for benefits for weeks 19-26 and 26-26, but was not eligible for weeks 20-26 through 21-26. Order No. 26-UI-335653 at 9. The order under review acknowledged that claimant had not actually claimed benefits for weeks 20-26 through 21-26, however. Order No. 26-UI-335653 at 9. Furthermore, while one of the Department’s witnesses testified at hearing that claimant had claimed benefits for weeks 19-26 and 26-26, this testimony is directly contradicted by the Department’s records. Transcript at 6. The Department’s records indicate, instead, that claimant did not file any weekly claims for benefits until the week of August 9 through 15, 2026 (week 32-26), and has not, as of the date of this decision, filed any late claims for benefits for any week prior to week 32-26.

Thus, as an initial matter, it is unclear why this matter was adjudicated, as no claims for weekly benefits were apparently filed or pending at the time that either decision # L0017794714 or the order under review were issued, such that the Department was required to render a decision on those claims.⁵ Nevertheless, because the matter *was* so adjudicated, EAB reviews the matter here. It should be noted, however, that EAB’s scope of review is limited to the four weeks identified above (herein “the weeks at issue”).

It should likewise be noted that several other matters relating to the denial under decision # L0017794714 fall outside the scope of EAB’s review here. For instance, as claimant has not actually

⁴ 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.

⁵ *See generally* ORS 657.267(1).

filed weekly claims for any of the weeks at issue, EAB cannot determine that claimant should be *paid* benefits for those weeks, notwithstanding any finding that he met the identity verification requirements. If he wishes to pursue benefits for those weeks, claimant must contact the Department to file late claims for benefits for those weeks and, if the Department denies those weeks, file requests for hearing on the subsequent denials.

Department records also show that on July 14, 2026, after the hearing but prior to the issuance of the order under review, the Department issued another administrative decision, denying claimant benefits effective July 5, 2026, again on the basis that he had failed to verify his identity (decision # L0018715804); that claimant filed a late request for hearing on that decision; and that on August 24, 2026, the Office of Administrative Hearings (OAH) denied claimant's late request for hearing on that decision, subject to claimant's right to renew the request by filing a response to an appellant questionnaire by September 7, 2026.⁶ EAB cannot address the timeliness of claimant's request for hearing on decision # L0018715804 as EAB has not, as of the date of this decision, received an application for review of the order denying claimant's late request for hearing. Likewise, EAB cannot address the merits of decision # L0018715804, as the ALJ did not take jurisdiction over the week of July 5 through 11, 2026 or any subsequent weeks.

Likewise, Department records show that on June 1, 2026, a day before the issuance of the administrative decision at issue here, the Department issued an administrative decision concluding that claimant had committed identity theft and that claimant's claim was, therefore, fraudulent (decision # L0017803106); Department records do not show that claimant filed a separate request for hearing on decision # L0017803106.⁷ While some of the evidence discussed at hearing likely pertains to the question of whether claimant committed identity theft, that question is not presently before EAB. Thus, the merits of decision # L0017803106 are outside the scope of EAB's review in this matter, which is limited to the question of whether claimant timely provided adequate documents to verify his identity. As the order under review noted, however, due to decisions # L0017803106 and L0017794714 having been issued so close in time to each other, and relating to similar sets of facts, it is possible that claimant's request for hearing in this matter should also be construed as a request for hearing on decision # L0017803106. Order No. 26-UI-335653 at 5. EAB has therefore forwarded to the Department claimant's original request for hearing on decision # L0017794714 for consideration as a possible request for hearing on decision # L0017803106 as well.

Identity Verification. 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:

⁶ 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.

⁷ 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.

(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. Unless the time frame is otherwise defined under Employment Department statute or rule, or is specifically directed otherwise by an authorized representative of the Employment Department, the claimant is required to respond to all requests for information within the following time frames:

(a) For requests for information by letter mailed to the address of record, the claimant shall have five (5) calendar days to respond from the date the letter was mailed. When responding by mail, the date of the response shall be the date of the postmark affixed by the United States Postal Service. In the absence of a postmarked date, the date of the response shall be the most probable date of mailing as determined by the Employment Department.

(b) For requests for information by telephone message, fax, email, or other electronic means, the claimant shall have 48 hours to respond.

On May 15, 2026, the Department notified claimant that he was required to verify his identity by May 26, 2026. Claimant initially responded to the Department on May 22, 2026 with a submission that included an image of his driver's license that claimant testified had been significantly altered via ChatGPT. The Department rejected that submission on the basis that the license "appeared forged," which, it essentially was, even if claimant had not intended as such. OAR 471-030-0025(1) required claimant to provide to the Department information needed to process his claim. It cannot reasonably be said that a fabricated or otherwise materially altered identity document is sufficient to verify a person's identity. As such, the Department was correct in rejecting the purported Texas driver's license, and that submission therefore did not meet the requirements of OAR 471-030-0025(1).

However, the same cannot be said of claimant's actual Virginia license, which he submitted on May 29, 2026. At hearing, KM, the identity theft investigator to whom claimant submitted the documents, testified, variously, that the Virginia license "was different than the driver's license that [claimant] sent to [her] in an e-mail," and that "there were two Virginia driver's licenses presented and they are not the same." Transcript at 19–20. She likewise expressed concerns that the Virginia license bore several similarities to the fabricated Texas license that claimant had previously submitted, that the license was issued for a period of seven years rather than eight, that claimant's Virginia license "is not in the format that was provided by... the Department of Motor Vehicles from the state of Virginia" based on sample images on the Virginia DMV's website, that the font on the license "does not look consistent," and that the license "has holes in it." Transcript at 19–21.

As to the suggestion that claimant submitted two separate and different Virginia licenses, the investigator did not further expand on that point, and the documentary record in this case likewise does not support that assertion. Instead, the multiple pictures of claimant's Virginia license in the record all appear to be of the same document. Regarding the concern that the Virginia license bears a resemblance

to the Texas license, the record shows that ChatGPT altered claimant's Virginia license without any instruction to do so, creating the purported Texas license. As such, the fact that the two licenses look so similar is an expected result of that process, rather than an indication that the Virginia license is, itself, also fabricated.

Regarding the remainder of the Department's above assertions, this evidence is not enough to show that the Virginia license is fabricated, altered, or otherwise invalid. Admittedly, the record does not explain why claimant's license was issued for seven years rather than the eight-year period that is apparently typical for non-commercial driver's licenses. However, it stands to reason that a driver's license *could* be issued for seven years, and the Department did not offer evidence to show that such an occurrence is impossible. Likewise, the Department did not offer images of those examples into the record for review.

Additionally, neither the ID theft investigator nor the Department's other witnesses testified to having used a more accurate or reliable verification process, such as actually searching DMV records or otherwise attempting to validate the specific license that claimant provided. Instead, the Department appears to have relied entirely on a visual inspection of the document and comparison to examples on a website, none of which was offered into evidence. Neither did the Department's witnesses testify to possessing any personal knowledge of what a Virginia driver's license must include or exclude, such that they could otherwise credibly testify that claimant's offered license was not valid.

In sum, the record does not show, by a preponderance of the evidence, that claimant's offered Virginia driver's license was fabricated or invalid, such that the Department should not have accepted it as a proof of identity. Additionally, the record does not show that any concerns over authenticity or sufficiency arose as to the other documents that claimant provided to KM via email on May 29, 2026. As those documents matched those requested in KM's May 26, 2026 request, claimant provided the documents that the Department requested. Further, while the May 15, 2026 letter indicated that the response deadline was May 26, 2026, KM altered that deadline by extending it to 5:00 p.m. on May 29, 2026.⁸ Because claimant provided the requested documents by that deadline, claimant furnished the information that the Department required to process his claim in accordance with the Department's rules. As such, claimant is not ineligible for benefits for the weeks at issue on the basis of purportedly failing to verify his identity.

DECISION: Order No. 26-UI-335653 is modified, as outlined above.

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

DATE of Service: October 1, 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.

⁸ See OAR 471-030-0025(2) (defining an exception to the standard response times for such requests in cases where the claimant has been "specifically directed otherwise by an authorized representative of the Employment Department.")

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 دستورالعمل 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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