EO: Intrastate
BYE: 31-Dec-9999

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0718-R

Request for Reconsideration Allowed
EAB Decision 2026-EAB-0718 Followed on Reconsideration

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).

On October 1, 2026, EAB issued EAB Decision 2026-EAB-0718, modifying Order No. 26-UI-335653 by concluding that claimant had verified his identity in accordance with Department rules, and therefore was not ineligible for benefits for any of the weeks at issue on that basis. On October 11, 2026, claimant filed a document entitled "Objection to Judicial Notice Taken in EAB Decision 2026-EAB-0718,"

[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.

which EAB has construed as a request for reconsideration of EAB Decision 2026-EAB-0718. 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-0718 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 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).

Claimant filed a request for reconsideration consistent with the requirements of OAR 471-041-0145. Therefore, claimant's request for reconsideration is allowed.

In his request for reconsideration, claimant raised an objection to "the noticed assertion that [claimant] did not file any weekly claims for benefits before August 9 through 15, 2026[.]" Claimant's Request for Reconsideration at 2. Claimant went on to assert that he *had* filed weekly claims for weeks prior to August 9, 2026 (week 32-26), although he provided no specific examples of the weeks for which he had purportedly filed claims, or when he did so. Claimant's Request for Reconsideration at 2. Neither did claimant provide any documentary evidence to show that he had filed any such weekly claims.

The only support that claimant provided for this assertion was that he had received three letters from the Department which denied him benefits: Letter ID numbers L0018715804, L0018891725, and L0017794714. Claimant's Request for Reconsideration at 2–3. None of these letters show that claimant filed claims for benefits for weeks before week 32-26. Instead, the letters are administrative decisions which denied claimant benefits based on specific eligibility issues (such as identity verification), and irrespective of which weeks of benefits, if any, claimant actually claimed. They are not, by themselves, evidence that claimant filed claims for any particular week of benefits. A further review of the Department's records likewise fails to show that claimant ever filed claims for any weeks prior to week 32-26. Thus, the record does not show, by a preponderance of the evidence, that claimant has done so as of the date of this decision.

In the alternative, claimant asserted that several of the weeks prior to week 32-26 "were unavailable through Frances Online," and that "[t]hose were not claim weeks that appeared and expired because Claimant failed to act; they were claim weeks that never appeared for filing." Claimant's Request for Reconsideration at 3. By so asserting, claimant appears to concede that he did *not* file claims for at least some of the weeks prior to week 32-26. To the extent that claimant suggests here that he should nevertheless be paid benefits for those weeks because the weeks had not shown as available to claim in Frances Online, that argument fails as well.

OAR 471-030-0045(2) (January 11, 2018) states, "A claimant, in order to obtain benefits, waiting week credit, or non-compensable credit for a week of unemployment, **must file a continued claim for the**

week by any method approved by the Director." (emphasis added). The rule contains no exceptions to this requirement. Furthermore, OAR 471-030-0045(3) outlines several other methods by which a claimant may file a weekly claim for benefits other than via Frances Online. Notably, there is only one provision of the rule which suggests any duty of the *Department* to proactively contact a claimant about claiming a week of benefits: OAR 471-030-0045(4)(b), which premises the timeliness of a filing on the date on which the Department mails a paper certification form to the claimant. However, that provision applies only when "[t]he claimant routinely files weekly claims by submitting… weekly paper certification forms," and the record does not show that claimant had been routinely filing his claims in such a manner. Thus, that the Department did not contact claimant about the weeks of benefits he did not claim is not sufficient to show that he should nevertheless be paid benefits for any of those weeks.

In short, there are *no* circumstances in which the law allows claimant to be paid benefits for any particular week without actually filing a claim for that specific week. As explained in the decision under reconsideration, "If [claimant] 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." EAB Decision 2026-EAB-0718. Claimant may contact the Department by whichever manner he wishes, but he must contact them directly to file his weekly claims, and cannot circumvent this requirement merely by further appealing this matter.[3]

Claimant raised an additional objection in his request for reconsideration, asserting that his original request for hearing on decision # L0017794714 "encompassed both [that decision and decision # L0017803106, which determined that claimant had committed identity theft] and that both issues were presented and litigated before the ALJ." Claimant's Request for Reconsideration at 4. This argument fails as well.

OAR 471-040-0005(1) (July 15, 2018) states, "A Request for hearing may be filed on forms provided by the Employment Department or similar offices in other states. Use of the form is not required provided the party specifically requests a hearing or otherwise expresses a present intent to appeal and it can be determined what issue or decision is being appealed." The only substantive text in claimant's request for hearing on decision # L0017794714 stated, "I sent the requested documentation via email to [the Department investigator] within the requested time frame." While this may be construed to apply to the identity theft issue as well as the identity verification issue, EAB forwarded to the Department claimant's request for hearing on decision # L0017794714 for consideration as a possible request for hearing on decision # L0017803106. That question was not litigated at hearing. Further, the notices of hearing issued in this matter did not indicate that the identity theft issue itself was to be addressed at hearing, and Order No. 26-UI-335653 did not issue a ruling on that issue. As such, neither the identity theft issue or the question of whether claimant filed a timely request for hearing on that issue are presently before EAB, and EAB cannot rule on those issues here.

As noted in the decision under reconsideration, EAB 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. EAB Decision 2026-EAB-0718 at 4. If it is determined that claimant's

[3] Under OAR 471-030-0045(3), a continued claim may be filed in person at any Department office in the state of Oregon, by United States mail, by fax, by internet, and by telephone. A printable claim form is available at https://unemployment.oregon.gov/weekly-claims.

request for hearing also applies to decision # L0017803106, a separate hearing may then proceed on the merits of that decision.

DECISION: Claimant's request for reconsideration is allowed. On reconsideration, EAB Decision 2026-EAB-0718 is followed, as clarified herein.

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

DATE of Service: October 19, 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey. If 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 – 本判决会影响您的失业救济金。 如果您不明白本判决， 请立即联系就业上诉委员会。 如果您不同意此判决，您可以按照该判决结尾所写的说明，向俄勒冈州上诉法院提出司法复审申请。

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 ໄດ້ ໂດຍປະຕິບັດຕາມຄຳແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄຳຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فورا، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الإستئناف 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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