

June 2021

The Oregon Employment Department (OED) has reached an agreement with clients represented by Legal Aid Services of Oregon and the Oregon Law Center, who sued OED over its implementation of a new federal requirement for Pandemic Unemployment Assistance (PUA) recipients to provide “proof of employment” (POE), meaning proof that a person's work ended or was reduced due to the pandemic. PUA is a program created by Congress in 2020 to provide unemployment benefits to people not traditionally eligible for unemployment benefits, such as those who are self-employed.

Since May 2021, roughly a quarter of all PUA beneficiaries in Oregon (over 23,000 individuals) lost their benefits and/or were about to face a determination that every dollar in benefits they'd received in 2021 was an “overpayment” they had to pay back to OED. OED had determined that these individuals did not submit sufficient proof of employment, but many thousands tried to comply with the requirement, and many more didn't know about the requirement or understand it.

The parties have now reached a settlement with these key terms:

- Anyone who has already had their PUA benefits stop because of a failure to provide any POE or sufficient POE **has until September 4, 2021 to submit adequate POE**. They will receive an email telling them about this new due date.
- If a claimant tried to submit POE, and OED said it was insufficient, that claimant will receive a new “administrative decision” from OED explaining exactly why the POE was rejected.
- If claimants submit additional POE by September 4, 2021, the agency will review it within two weeks.
- For claimants who request a hearing after they received an “administrative decision” in the mail saying they're not eligible for PUA benefits because of insufficient POE, the agency will call or email the claimant to try to resolve the issue.
- OED's “Contact Us” webform now has an option to click – “I don't understand why my POE was rejected.” OED will promptly respond to claimants who reach out through this method.

Sharon Wurtz, one of the plaintiffs in the lawsuit, relied on PUA benefits to pay for housing, medicine, and food after losing her job as a nanny because of the pandemic. Ms. Wurtz did her best to file POE, but OED rejected her proof anyway. Ms. Wurtz lost her benefits in late April. She went without medicine and nearly lost her home. Thanks to the lawsuit, Ms. Wurtz's benefits are restored. She hopes the resolution of the case can provide similar relief to thousands of other Oregonians struggling to make ends meet.

POE is only one of many reasons a claimant's benefits may have stopped. People with questions about their unemployment benefits can contact their local legal aid office, or the Public Benefits Hotline (1-800-520-5292).

For further press inquiries, contact Emily Teplin Fox, efox@oregonlawcenter.org.