

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1123

Affirmed
Ineligible

PROCEDURAL HISTORY: On June 6, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not available for work from May 11 through 31, 2014 (decision # 130031). Claimant filed a timely request for hearing. On June 25, 2014, ALJ Murdock conducted a hearing, and on June 27, 2014 issued Hearing Decision 14-UI-20560, affirming the Department's decision, and concluding that claimant also was not available for work from June 1 through 21, 2014. On June 30, 2014, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant's written argument contained information that was not part of the hearing record, and did not assert or 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 (October 29, 2006), we considered only information received into evidence at the hearing when reaching this decision. In his argument, claimant argued that the ALJ erred in concluding that claimant was not available for work during the weeks at issue, asserting that OAR 471-030-0036(3)(b) (February 23, 2014) only required him to be capable of reporting for suitable work opportunities, and not capable of *immediately* reporting for such opportunities. However, OAR 471-030-0036(3)(b) required claimant to be capable of reporting for "any" suitable work opportunities, which necessarily includes those for which claimant was expected to report immediately.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 14-UI-20560 is affirmed.

Tony Corcoran and J. S. Cromwell;
Susan Rossiter, not participating.

DATE of Service: July 30, 2014

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 listed above. *See* ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem, Oregon 97310 or visit the website at court.oregon.gov. Once on the website, click on the blue tab for “Materials and Resources.” On the next screen, click on the tab that reads “Appellate Case Info.” On the next screen, select “Appellate Court Forms” from the left panel. On the next page, select the forms and instructions for the type of Petition for Judicial Review that you want to file.

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