

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0760**

*Affirmed*  
*Ineligible Week 10-15*

**PROCEDURAL HISTORY:** On April 6, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was not available for work from March 8, 2015 through March 14, 2015 (decision # 83738). Claimant filed a timely request for hearing. On May 7, 2015, ALJ Shoemake conducted a hearing, and on May 13, 2015 issued Hearing Decision 15-UI-38389, affirming the Department's decision. On June 1, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) On December 2, 2014, claimant filed an initial claim for unemployment insurance benefits. Claimant filed a weekly claim for the week of March 8, 2015 through March 14, 2015 (week 10-15), the week at issue.

(2) During the week at issue, Selectemp employed claimant as a construction laborer, assigned to one of its clients. The client had scheduled claimant to work from March 9, 2015 through March 11, 2015.

(3) On March 8, 2015, claimant was involved in an auto accident that incapacitated his vehicle. Claimant required a vehicle to travel to the employer's client's job site. Claimant did not work on March 9, 2015 because he spent much of the day securing a rental car. He did not work on March 10, 2015 and March 11, 2015 because he believed the client did not have work for him.

**CONCLUSIONS AND REASONS:** Claimant was not available for work during week 10-15.

To be eligible to receive benefits, unemployed individuals must be able to work, available for work, and actively seek work during each week claimed. ORS 657.155(1)(c). An individual must meet certain minimum requirements to be considered "available for work" for purposes of ORS 657.155(1)(c). OAR 471-030-0036(3) (February 23, 2014). Among those requirements are that the individual be willing to work and capable of reporting to full time, part time and temporary work opportunities throughout the labor market, and refrain from imposing conditions that limit the individual's opportunities to return to work at the earliest possible time. *Id.*

Claimant was not capable of reporting for work on March 9, 2015 because he lacked transportation to the employer's client's job site, and, as a result, he missed an opportunity to work. Because claimant was not capable of reporting for suitable work on March 9, 2015, he is not eligible for benefits for the week of March 8, 2015 through March 14, 2015.

**DECISION:** Hearing Decision 15-UI-38389 is affirmed.

J. S. Cromwell and D. P. Hettle, *pro tempore*;  
Susan Rossiter, not participating.

**DATE of Service: July 21, 2015**

**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 Court of Appeals website at [courts.oregon.gov](http://courts.oregon.gov). Once on the website, use the 'search' function to search for 'petition for judicial review employment appeals board'. A link to the forms and information will be among the search results.

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