

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-1022

Affirmed

Ineligible Weeks 50-14 through 53-14; 2-15 through 6-15 and 12-15 through 14-15

PROCEDURAL HISTORY: On June 22, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision (#104710) concluding that claimant did not actively seek work from December 7, 2014 through January 3, 2015; from January 11 through February 14, 2015; and from February 22 through April 11, 2015 (weeks 50-14 through 53-14; weeks 2-15 through 6-15; and weeks 12-15 through 14-15). Claimant filed a timely request for hearing. On August 6, 2015, ALJ M. Davis conducted a hearing and issued Hearing Decision 15-UI-42661, affirming decision #104710. On August 25, 2015, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant failed to certify that he provided a copy of his argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). Therefore, we did not consider the argument when reaching this decision. Even if we had considered this argument, it would not have changed the outcome of this decision. In his argument, claimant noted that he contacted two employers during each of the weeks at issue and questioned why he was denied unemployment benefits. The ALJ correctly found that because claimant was not on a temporary layoff from his regular employer, he was required to comply with the requirements of OAR 471-030-0036(5) (February 23, 2014). This rule requires that an individual claiming unemployment benefits perform at least five work seeking activities during each week claimed.

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 15-UI-42661 is affirmed.

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

DATE of Service: August 31, 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. 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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