

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0488-R**

*Request for Reconsideration Allowed*  
*Appeals Board Decision 2016-EAB-0488 Adhered to on Reconsideration*

**PROCEDURAL HISTORY:** On March 16, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision (decision # 91314) concluding that claimant did not actively search for work from January 31 through February 27, 2016. Claimant filed a timely request for hearing. On April 18, 2016, ALJ Triana conducted a hearing, and on April 21, 2016, issued Hearing Decision 16-UI-57855, affirming the administrative decision. On April 27, 2016, claimant filed an application for review with the Employment Appeals Board (EAB). On May 4, 2016, EAB issued Appeals Board Decision 2016-EAB-0488, affirming the hearing decision under review. On May 6, 2016, claimant filed a timely written argument. Under the authority granted to us by ORS 657.290(3), we will reconsider Appeals Board Decision 2016-EAB-0488 to address some of the issues raised in claimant's written argument.

**CONCLUSION AND REASONS:** Appeals Board Decision 2016-EAB-0488 is adhered to on reconsideration.

In Appeals Board Decision 2016-EAB-0488, we affirmed the ALJ's conclusion that claimant failed to actively search for work from January 31 through February 27, 2016 (weeks 5-16 through 8-16). The ALJ's conclusion was based on a finding that during the weeks at issue, claimant performed no work search activities other than contacting her regular employer. We agreed with the ALJ's reasoning that because claimant had not been temporarily laid off by her regular employer, she was required to conduct five work seeking activities per week under OAR 471-030-0036(5)(a) and (b) (February 23, 2014).

As part of her written argument, claimant submitted materials that were admitted into evidence at the hearing as Exhibit 1. We note that we considered these materials in reaching our decision in Appeals Board Decision 2016-EAB-0488. Also in her written argument, claimant asked that EAB consider that "[t]he unemployment application and claim forms are not adapted to a situation like mine, but I feel that I answered the best that I could and I was consistent in my responses." Written Argument at 5. However, claimant's assertion is neither material nor relevant to her eligibility for unemployment benefits during the weeks at issue. By her own admission, claimant was not on temporary layoff status during the weeks at issue. As a result, she was required to conduct an active work search consistent with

the requirements of OAR 471-030-0036(5); her failure to perform any work seeking activities during the weeks at issue, other than contacting her regular employer, rendered her ineligible for unemployment benefits. We therefore find no error of fact or law in Appeals Board Decision 2016-EA B-0488 that requires correction on reconsideration. *See* ORS 657.290(3) (reconsideration by EAB may include making a new decision “to the extent necessary and appropriate for the correction of a previous error of fact or law.”)

**DECISION:** Reconsideration is granted. Appeals Board Decision 2016-EAB0-0488 is adhered to on reconsideration.

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

**DATE of Service:** May 17, 2016

**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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