

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0676

Affirmed
Ineligible

PROCEDURAL HISTORY: On April 26, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work from March 27 through April 9, 2016 (decision # 95735). Claimant filed a timely request for hearing. On May 19, 2016, ALJ L. Lee conducted a hearing, and on May 27, 2016 issued Hearing Decision 16-UI-60611, affirming the Department's decision. On June 6, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered the entire hearing record and claimant's written argument. In his argument, as at hearing, claimant concedes that as of his layoff date, he had not been given a specific date to return to work, as required under OAR 471-030-0036(5)(b) for an individual to be exempt from the work search requirements set forth in OAR 471-030-0036(5)(a). We therefore agree with the ALJ that claimant did not actively seek work during the weeks at issue, and therefore is ineligible for benefits for those weeks.

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

DECISION: Hearing Decision 16-UI-60611 is affirmed.

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

DATE of Service: June 10, 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. 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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