

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0616

Affirmed
Ineligible

PROCEDURAL HISTORY: On December 23, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was ineligible to receive benefits for the week of November 23, 2016 through December 3, 2017 because claimant failed to register for work as instructed. On January 12, 2017, that decision became final without claimant having filed a timely request for hearing. On March 27, 2017, claimant filed a late request for hearing. On March 29, 2017, ALJ Kangas issued Decision 17-UI-79901, dismissing claimant's request for hearing as untimely, subject to claimant's right to renew the request by completing and filing the Appellant Questionnaire enclosed with that decision within 14 days after the mailing of the decision. On April 4, 2017, claimant filed a completed Appellant Questionnaire. On April 6, 2017, the Office of Administrative Hearings (OAH) issued a letter order vacating Decision 17-UI-79901. On May 2, 2017, ALJ Seideman conducted a hearing, and on May 8, 2017 issued Hearing Decision 17-UI-82804, allowing claimant's request for hearing and affirming the administrative decision. On May 17, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

Based on a *de novo* review of the entire record in this case, and pursuant to ORS 657.275(2), the ALJ's findings and analysis with respect to the conclusion allowing claimant's untimely request for hearing are **adopted**.

FINDINGS OF FACT: (1) On July 27, 2016, claimant had a stroke. Thereafter, family members assisted claimant in handling her financial and business affairs.

(2) On November 14, 2016, claimant filed an initial unemployment insurance claim by phone. The Department representative who took claimant's claim told claimant that she was also required to register for work in the Department's iMatch system and visit her local WorkSource Center to complete various enrollment activities and the welcome process or she would be denied benefits. The representative told claimant she would receive correspondence from the Department in a few days setting out the information she needed to fully register for benefits.

(3) On November 15, 2017, the Department mailed a letter and its Publication 277 to claimant. The letter advised claimant that the enclosed Publication 277 contained instructions on how to register for work and that she needed to follow those instructions in order to receive benefits. Publication 277 stated, “You [have] filed an unemployment insurance claim. The next steps include registering for work in our job match system and coming in to your local WorkSource Center. The address is provided below. To avoid denial of benefits, visit the WorkSource Center below [address of Oregon City center was given] and complete enrollment activities by November 29, 2016.” Audio at ~18:55.

(4) Claimant did not visit a WorkSource Center, did not register with iMatch and did not complete enrollment activities by November 29, 2016. Claimant claimed benefits for the week ending December 3, 2016 (week 48-16). Claimant did not receive benefits for that week. Upon filing that weekly claim, the Department sent an automatically generated letter to claimant advising her that no benefit payment was being made for that week, and her claim was stopped because she had failed to visit her local WorkSource Center and complete the required registration activities. Claimant filed a weekly claim for the week ending December 10, 2016 (49-16). Claimant did not receive a benefit payment for that week. Claimant was sent another automatically generated letter advising her again that her claim was stopped due to her failure to visit her local WorkSource Center and complete the required registration activities. Claimant still did not visit her local WorkSource Center, but filed claims for benefits for the additional weeks of December 11, 2016 through March 11, 2017 (weeks 50-16 through 10-17). Weeks 48-16 through 10-17 are the weeks at issue.

(5) During the weeks at issue, the Department’s computer-generated letters advising claimant that she was not receiving benefits due to her failure to complete the registration process also advised her that she was not receiving benefits as a result of a 30 week period of benefit disqualification that was imposed under a prior unemployment insurance claim.

(6) On March 14, 2017, claimant visited her local WorkSource Center and completed the needed registration activities. As of the date of the hearing, claimant’s remaining period of benefit disqualification was 25 weeks.

CONCLUSIONS AND REASONS: Claimant did not register for work as instructed during weeks 48-16 through 10-17. Claimant is not eligible to receive benefits for those weeks.

ORS 657.155(1)(a) states that an unemployed individual is eligible to receive benefits only if the individual has registered for work. ORS 657.159 states that to satisfy the registration requirement of ORS 657.155(1) an individual shall submit registration information that the Department requests. OAR 471-020-0020(1)(a) (August 8, 2004) states with limited exceptions, none of which are applicable here, that all claimants for unemployment insurance benefits shall comply with the instructions of the Department in providing such information as may be required to carry out job placement services.

Although a Department advised claimant orally on November 14, 2016 that she needed to register with the Department in order to complete the claim filing process and receive benefits, and mailed detailed instructions to her on November 15, 2016 on how to register for work, claimant did not do so during the weeks at issue. Claimant did not dispute that she received the Department correspondence instructing her to register for work and that she did not register for work as instructed. Although claimant appeared to first contend that she was confused about the need to register since she was also receiving information

that benefit payments were not being made during the weeks at issue because of a period of disqualification from benefits, and that her family members, who were handling her affairs after her stroke, did not understand the significance of and did not alert her to the Department's correspondence about her need to register for work, no statute or regulation provides exceptions to the Department's registration requirements even if there was good cause for claimant's failure to register or it was the result of a mistake. Audio at ~24:05, ~24:19, ~25:00. Since there are no applicable exceptions to the registration requirements and claimant received instructions from the Department that she needed to register or she would not receive benefits, claimant is ineligible for benefits during the weeks at issue because she failed to register for work as instructed.

DECISION: Hearing Decision 17-UI-82804 is affirmed.

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

DATE of Service: June 19, 2017

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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