

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0675

Affirmed
Redetermination Denied

PROCEDURAL HISTORY: On May 1, 2017, the Oregon Employment Department (the Department) served notice of a wage and potential benefit report concluding claimant's claim for unemployment insurance benefits was invalid due to inadequate earnings and hours worked in the alternate base year for her claim. Claimant filed a timely request for hearing. On May 25, 2017 ALJ Frank conducted a hearing, and on June 1, 2017 issued Hearing Decision 17-UI-84667, affirming the Department's determination. On June 5, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Claimant did not work any hours and had no earnings from subject employment during the first, second, and third quarters of 2016. Sometime after September 30, 2016 (in the fourth quarter of 2016), claimant began working for Express Employment Professionals in subject employment. In the fourth quarter of 2016, claimant worked 132 hours and earned \$1,574 from Express Employment Professionals. In the first quarter of 2017, claimant worked 38 hours and earned \$385 from Express Employment Professionals. In total, claimant work 170 hours and earned \$1,959 from Express Professionals in the fourth quarter of 2016 and the first quarter of 2017.

(2) On April 18, 2017, claimant filed an initial claim for benefits. The Department determined that claimant's claim was not valid because she did not work sufficient hours and have sufficient earnings in the alternate base year for her claim.

CONCLUSIONS AND REASONS: Claimant's request for a redetermination of her claim is denied.

ORS 657.150(2)(a) provides that to qualify for unemployment insurance benefits an individual must have worked in subject employment in the base year and earned total base year wages of \$1,000 or more, must have total base year wages equal to or in excess of one and one-half times the wages in the highest quarter of the base year, and must have earned wages in subject employment equal to six times

the individual's weekly benefit amount. ORS 657.150(2)(b) provides that if the individual does not meet the requirements of subsection (a), the individual may qualify for benefits if the individual has worked a minimum of 500 hours in subject employment during the base year.

Claimant testified that the hours and earnings set out in the Department's wage and potential benefit report were accurate and no hours or earnings from the base year were omitted from it. Audio at ~11:18. Although claimant earned more than \$1,000 in her base year, her total earnings of \$1,959 in the base year were not at least one and one-half times greater than the \$1,574 she earned during the fourth quarter of 2016, which was the highest quarter of her base year. In addition, claimant did not dispute that she did not work at least 500 hours during her base year. As such, claimant did not qualify for benefits under either prong of ORS 657.150(2). Based on claimant's agreement that the wages and hours in the wage and potential benefit report were accurate there are no grounds on which to allow a redetermination of her claim.

Claimant's request for a redetermination of her claim is denied.

DECISION: Hearing Decision 17-UI-84667 is affirmed.

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

DATE of Service: June 29, 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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