

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-1313**

*Affirmed*  
*Ineligible*

**PROCEDURAL HISTORY:** On October 3, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not available for work from September 17 through 30, 2017 (decision # 153559). Claimant filed a timely request for hearing. On October 31, 2017, ALJ Triana conducted a hearing, and on November 1, 2017 issued Hearing Decision 17-UI-95926, concluding that claimant was not available for work from September 17 through October 28, 2017. On November 14, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record and claimant's written argument. In his argument, claimant asserted that he was available for work during the weeks of September 24 through October 28, 2017 because he was absent from his labor market for less than half of each of those weeks, and no opportunity or referral to work was missed by such absences. *See* OAR 471-030-0036(3)(d)(B) (February 23, 2014). However, to be considered available for work during each week at issue, claimant also was required to be willing to work during all of the usual hours and days of the week customary for the work he sought. *See* OAR 471-030-0036(3)(a). We agree with the ALJ that the record shows claimant was not willing to do so during any of the weeks at issue.

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

**DECISION:** Hearing Decision 17-UI-95926 is affirmed.

J. S. Cromwell and D. P. Hettle.

**DATE of Service:** December 11, 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](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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