

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0052

Affirmed
Ineligible

PROCEDURAL HISTORY: On December 7, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not able to, available for, and actively seeking work from November 12 through December 2, 2017 (decision # 75714). Claimant filed a timely request for hearing. On January 4, 2018, ALJ Clink conducted a hearing, and on January 5, 2018 issued Hearing Decision 18-UI-100363, concluding that claimant was not able to, available for, and actively seeking work from November 12 through December 16, 2017. On January 16, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB reviewed the entire hearing record and claimant's written arguments. In his arguments, claimant asserted that he had been taking medication for his health issues since early January 2018, that his health issues had subsided, that he was ready to return to work, and had been seeking work. Claimant's arguments are not material to the issue before EAB, which is whether claimant was able to, available for, and actively seeking work from November 12 through December 16, 2017. However, claimant may telephone the Department at 1-877-345-3484 to restart his claim, as the Department representative advised him to do at the January 4, 2018 hearing,¹ and report that his circumstances have changed in order to determine if he has become eligible for benefits.

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

DECISION: Hearing Decision 18-UI-100363 is affirmed.

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

DATE of Service: January 26, 2018

¹ Audio Record at 15:00-15:45.

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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