

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0134**

*Affirmed*  
*Eligible for Week 43-17*  
*Ineligible for Weeks 45-17 through 48-17*

**PROCEDURAL HISTORY:** On December 19, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant did not actively seek work during the weeks including October 22 through October 28, 2017 and November 5 through December 2, 2017 (weeks 43-17 and 45-17 through 48-17) (decision # 134411). Claimant filed timely a request for hearing. On January 25, 2018, ALJ Murdock conducted a hearing, and on January 31, 2018, issued Hearing Decision 18-UI-102178, affirming the department's decision with the exception that she concluded that claimant actively sought work from October 22 through October 28, 2017 (week 43-17). On February 6, 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 that claimant actively sought work during week 43-17 are **adopted**.

**FINDINGS OF FACT:** (1) Claimant filed an initial claim for unemployment insurance benefits on April 10, 2017. Claimant claimed and was paid benefits for the weeks including November 5 through December 2, 2017 (weeks 45-17 through 48-17), the weeks at issue.

(2) On November 1, 2017, the Department sent, and claimant received, Publication 195 which notified him that if he was working only part-time for an employer, he was required to perform at least five work seeking activities per week, with at least two of those being direct contact with an employer who might hire him, in order to be eligible for benefits in any given week.

(3) During each of the weeks including November 5 through December 2, 2017, claimant worked on only Mondays and Fridays and the employer did not notify claimant about when he would return to full-time work. Claimant did not seek work with other employers during any of those weeks.

**CONCLUSIONS AND REASONS:** Claimant did not actively seeking work November 5 through December 2, 2017 (weeks 45-17 through 48-17).

To be eligible to receive benefits, unemployed individuals must be able to work, available for work, and actively seek work during each week claimed. ORS 657.155(1)(c). To actively seek work, an individual must do what an ordinary and reasonable person would do to return to work at the earliest opportunity. OAR 471-030-0036(5)(a) (February 23, 2014). OAR 471-030-0036(5)(a) states that the minimum requirements for an individual to be considered to be “actively seeking work” are the performance of at least five work seeking activities per week, with at least two of those being direct contact with an employer who might hire the individual.

It was undisputed that during each of the weeks at issue, claimant performed only part-time work and did not make direct contact with any other employer who might hire him. Because, under the above rule, claimant did not perform the minimum requirements necessary for an individual to be considered to be “actively seeking work”, under ORS 657.155(1)(c), he is not eligible for benefits for those weeks.

**DECISION:** Hearing Decision 18-UI-102178 is affirmed.

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

**DATE of Service:** March 5, 2018

**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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