

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-0352**

*Affirmed*  
*Ineligible*

**PROCEDURAL HISTORY:** On March 1, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant did not actively seek work from February 11, 2018 to February 24, 2018 (decision # 73327). Claimant filed a timely request for hearing. On March 28, 2018, ALJ Lewis conducted a hearing, and on March 29, 2018 issued Order No. 18-UI-106217, affirming the Department's decision. On April 10, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

Claimant's argument contained information that was not part of the hearing record, and failed to show that factors or circumstances beyond claimant's reasonable control prevented claimant from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (October 29, 2006), we considered only information received into evidence at the hearing when reaching this decision. Even if we had considered the new information the outcome of this decision would remain the same, because the new information in claimant's argument did not establish that claimant performed a minimum of five work seeking activities during each of the weeks at issue that involved at least two direct contacts each week with employers and three other activities each week.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the Order under review is **adopted**.

**DECISION:** Order No. 18-UI-106217 is affirmed.

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

**DATE of Service:** May 10, 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.

**Please help us improve our service by completing an online customer service survey.** To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.