

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0438

Affirmed
Ineligible Weeks 06-18 to 10-18

PROCEDURAL HISTORY: On March 16, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was ineligible for benefits because he did not actively seek work during the weeks including February 4 through March 10, 2018. (decision # 103429). Claimant filed a timely request for hearing. On April 17, 2018, ALJ Snyder conducted a hearing, and on April 19, 2018, issued Order No. 18-UI-107737, affirming the Department's decision. On April 30, 2018, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered the entire hearing record and claimant's written argument to the extent it was based on the record. In claimant's argument, claimant questioned why the Department denied him benefits for the weeks at issue because each week he filed a claim, he "had a date to return to full time work." Written Argument at 1. However, at hearing, claimant acknowledged that he understood that whether the employer had full time work for claimant in any given week was dependent on the volume of work orders the company had received the previous week, which varied and was based on "the best of [the employer's] knowledge...and that's how it works." Audio Record ~ 14:00 to 14:15. Given also that Department records show that claimant did not work full time during three of the four weeks preceding the weeks at issue here, during which he never worked full time, we infer that claimant understood that at least during the weeks at issue, it was more likely than not that claimant would not be receiving full time work and to be eligible for benefits he would have to engage in the required number of work seeking activities under the rules.

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-107737 is affirmed.

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

DATE of Service: June 1, 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. 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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