

EMPLOYMENT APPEALS BOARD DECISION
2019-EAB-0618

Affirmed
Ineligible Weeks 15-19 through 18-19

PROCEDURAL HISTORY: On May 6, 2019, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was ineligible to receive benefits for the week of April 7 through April 13, 2019 and continuing until the reason for the denial ended because claimant failed to register for work in accordance with the Department's rules. Claimant filed a timely request for hearing. On June 19, 2019, ALJ Seideman conducted a hearing, and on June 24, 2019 issued Order No. 19-UI-132182, modifying the Department's decision by concluding claimant was ineligible for benefits for the weeks of April 7 through May 4, 2019 for the same reason. On July 2, 2019, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) On March 26, 2019, claimant filed an initial claimant for unemployment insurance benefits.

(2) On March 27, 2019, the Department mailed to claimant UI Publication 277, a letter that notified him that to be eligible for benefits he was required to register for work in the Department's iMatch system and visit his local WorkSource Oregon Center in person to complete various enrollment activities and the welcome process. The letter set a deadline for completing those activities at a local WorkSource Oregon Center of April 10, 2019, after which he would be denied benefits. Claimant received the letter, but did not read it carefully. Claimant did not visit a WorkSource Oregon Center, did not register with iMatch and did not complete the required enrollment activities by April 10, 2019.

(3) Claimant filed a weekly claim for the week ending April 13, 2019 (week 15-19). Claimant did not receive a benefit payment for that week. Upon filing that weekly claim, the Department sent an automatically generated letter to claimant advising him that no benefit payment was being made for that week because of an issue on his claim and that he needed to contact a Department office to resolve the issue.

(4) Claimant filed a weekly claim for the week ending April 20, 2019 (16-19). Claimant did not receive a benefit payment for that week. Claimant was sent another automatically generated letter advising him

again that no benefit payment was being made for that week because of an issue on his claim and that he needed to contact a Department office to resolve the issue.

(5) Claimant filed a weekly claim for the week ending April 27, 2019 (17-19). Claimant did not receive a benefit payment for that week. Claimant was sent another automatically generated letter advising him again that no benefit payment was being made for that week because of an issue on his claim and that he needed to contact a Department office to resolve the issue.

(6) Claimant filed a weekly claim for the week ending May 4, 2019 (18-19). Claimant did not receive a benefit payment for that week. Claimant was sent another automatically generated letter advising him again that no benefit payment was being made for that week because of an issue on his claim and that he needed to contact a Department office to resolve the issue.

(7) On or about May 7, 2019, claimant reviewed the latest letter from the Department, and on May 8, 2019, visited a local WorkSource Oregon Center and completed the necessary enrollment activities and welcome process.

CONCLUSIONS AND REASONS: Claimant failed to register in accordance with the Department's rules during the weeks of April 7 through May 4, 2019 and is ineligible for benefits for those weeks.

ORS 657.155(1)(a) states that an unemployed individual is eligible to receive benefits only if the individual has registered for work and thereafter continued to report at an employment office in accordance with Department rules. ORS 657.159 states that to satisfy the registration requirement of ORS 657.155(1) an individual shall submit such information regarding the individual's job qualifications, training and experience as the Department requests. OAR 471-020-0020(1)(a) (August 8, 2004) states with limited exceptions, none of which are applicable here, that all claimants for unemployment insurance benefits shall comply with the instructions of the Department in providing such information as may be required to carry out job placement services.

Although on March 27, 2019 the Department mailed to claimant detailed instructions on how to register for work and remain eligible for unemployment benefits, claimant did not do so during the weeks at issue. Claimant did not dispute that he received that letter or the subsequent four letters from the Department notifying him that no benefit payment was being made for the previous week claimed because of an issue on his claim and that he needed to contact a Department office to resolve the issue. Nor did he dispute that he did not visit a local WorkSource Oregon Center and complete the necessary enrollment activities and welcome process until May 8, 2019. Claimant admitted that he only read the notification letters from the Department concerning his benefit denials for the weeks 15-19 through 18-19 "to a point" and not "thoroughly" because he believed that they concerned a work separation issue that he was also dealing with at the time. Audio Record ~ 12:55 to 13:25 and 23:25 to 24:10. Although we accept claimant's explanation that his failure to complete the required enrollment activities and welcome process was not intentional, no statute or regulation provides exceptions to the Department's registration requirements even if there was good cause for claimant's failure to register or it was the result of a mistake. Since claimant did not register for work as instructed by the Department and there are no applicable exceptions to the registration requirements claimant is ineligible for benefits during the weeks at issue.

Claimant is ineligible for benefits for the weeks including April 7 through May 4, 2019 (weeks 15-19 through 18-19).

DECISION: Order No. 19-UI-132182 is affirmed.

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

DATE of Service: August 6, 2019

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.

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.



Understanding Your Employment Appeals Board Decision

English

Attention – This decision affects your unemployment benefits. If you do not understand this decision, contact the Employment Appeals Board immediately. If you do not agree with this decision, you may file a Petition for Judicial Review with the Oregon Court of Appeals following the instructions written at the end of the decision.

Simplified Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

Traditional Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

Tagalog

Paalala – Nakakaapekto ang desisyong ito sa iyong mga benepisyo sa pagkawala ng trabaho. Kung hindi mo naiintindihan ang desisyong ito, makipag-ugnayan kaagad sa Lupon ng mga Apela sa Trabaho (Employment Appeals Board). Kung hindi ka sumasang-ayon sa desisyong ito, maaari kang maghain ng isang Petisyon sa Pagsusuri ng Hukuman (Petition for Judicial Review) sa Hukuman sa Paghahabol (Court of Appeals) ng Oregon na sinusunod ang mga tagubilin na nakasulat sa dulo ng desisyong ito.

Vietnamese

Chú ý - Quyết định này ảnh hưởng đến trợ cấp thất nghiệp của quý vị. Nếu quý vị không hiểu quyết định này, hãy liên lạc với Ban Kháng Cáo Việc Làm ngay lập tức. Nếu quý vị không đồng ý với quyết định này, quý vị có thể nộp Đơn Xin Tái Xét Tư Pháp với Tòa Kháng Cáo Oregon theo các hướng dẫn được viết ra ở cuối quyết định này.

Spanish

Atención – Esta decisión afecta sus beneficios de desempleo. Si no entiende esta decisión, comuníquese inmediatamente con la Junta de Apelaciones de Empleo. Si no está de acuerdo con esta decisión, puede presentar una Aplicación de Revisión Judicial ante el Tribunal de Apelaciones de Oregon siguiendo las instrucciones escritas al final de la decisión.

Russian

Внимание – Данное решение влияет на ваше пособие по безработице. Если решение Вам непонятно – немедленно обратитесь в Апелляционный Комитет по Трудоустройству. Если Вы не согласны с принятым решением, вы можете подать Ходатайство о Пересмотре Судебного Решения в Апелляционный Суд штата Орегон, следуя инструкциям, описанным в конце решения.

Khmer

ចំណុចសំខាន់ – សេចក្តីសម្រេចនេះមានផលប៉ះពាល់ដល់អត្ថប្រយោជន៍គ្មានការងារធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រេចនេះ សូមទាក់ទងគណៈកម្មការឧទ្ធរណ៍ការងារភ្លាមៗ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

Laotian

ເອົາໃຈໃສ່ – ຄໍາຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄໍາຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນທັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນຳຄໍາຕັດສິນນີ້, ທ່ານສາມາດຍື່ນຄໍາຮ້ອງຂໍການທົບທວນຄໍາຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄໍາຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فوراً، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الإستئناف بأوريغون و ذلك بإتباع الإرشادات المدرجة أسفل القرار .

Farsi

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلافاصله با هیأت فرجام خواهی استخدام تماس بگیرید. اگر از این حکم رضایت ندارید، می‌توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

Employment Appeals Board - 875 Union Street NE | Salem, OR 97311
 Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711
www.Oregon.gov/Employ/eab

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.