

**EMPLOYMENT APPEALS BOARD DECISION**  
**2019-EAB-0911**

*Affirmed*  
*Ineligible Weeks 29-19 through 31-19*

**PROCEDURAL HISTORY:** On July 25, 2019, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not provide the Department information necessary to process her claim and was not eligible to receive benefits for the week of July 14 through July 20, 2019 and until claimant provided the information. Claimant filed a timely request for hearing. On August 19, 2019, ALJ Seideman conducted a hearing and issued Order No. 19-UI-135209, modifying the July 25, 2019 decision to conclude that claimant did not provide the Department information necessary to process her claim and was not eligible to receive benefits for the period from July 14 through August 3, 2019. On September 9, 2019, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered claimant's written argument to the extent it was relevant and based on the record.

**FINDINGS OF FACT:** (1) Claimant reported earnings when she claimed unemployment insurance benefits for the week ending June 29, 2019 (week 26-19). Claimant did not report earnings when she claimed the week ending July 6, 2019 (week 27-19).

(2) Claimant claimed and was denied benefits for the period of July 14, 2019 through August 3, 2019 (weeks 29-19 through 31-19), the weeks at issue.

(3) The Department needed additional information about claimant's employment because claimant stopped reporting earnings after a period of reporting earnings. On July 9, 2019, the Department mailed claimant a letter requesting additional information to claimant's address of record with the Department. The July 9, 2019 letter stated that there was a deadline of July 15, 2019 for claimant to provide the requested information, or she would remain ineligible for benefits until she provided the information. Claimant received the letter. Claimant did not contact the Department by July 15, 2019.

(4) On July 21, 2019, claimant's telephone service was disconnected. After July 21, claimant tried to call the Department using her telephone on Wi-Fi, but was unable to place calls due to poor internet connectivity in the locations where she attempted the calls. On July 29, 2019, claimant called the

Department several times, but was unable to complete the calls, again due to a problem with her telephone connection. As a result, on July 29, claimant did not provide the information the Department requested in its July 9, 2019 letter to claimant.

(5) On August 16, 2019 (during week 33-19), claimant provided the Department the additional information it had requested in its July 9, 2019 letter to claimant.

**CONCLUSIONS AND REASONS:** Claimant did not provide the Department information necessary to process her claim and was not eligible to receive benefits for the period of July 14, 2019 through August 3, 2019.

ORS 657.155(1) provides, in relevant part, that an individual shall be eligible to receive benefits with respect to any week only if the individual has claimed benefits for that week in accordance with ORS 657.260. ORS 657.260 provides that claims for benefits shall be filed in accordance with such regulations as the Director of the Employment Department may prescribe. OAR 471-030-0025(1) (January 11, 2018) provides, in relevant part, that an individual shall furnish the Department any information required for the processing of their claim including, but not limited to, information pertaining to prior work history, separations from work, current work activity and earnings. The claimant is required to provide the information requested within the time frame provided by the Department, or if no timeframe is provided, for requests for information by letter mailed to the claimant's address of record, the claimant shall have five calendar days to respond from the date the letter was mailed. OAR 471-030-0025(2), (2)(a).

Claimant received the July 9, 2019 letter from the Department. It was not disputed that the information requested in the Department's July 9 letter was required to process claimant's claim. Claimant was therefore reasonably on notice that additional information was requested of her to process her claim, and that she was be ineligible for benefits until she provided the information. Despite prior incomplete attempts by telephone, claimant did not provide the information identified in the letter the Department mailed her on July 9, 2019 until she completed an additional claim by telephone on August 16, 2019. August 16, 2019 is after the weeks at issue. By failing to provide the requested information on time, claimant was not eligible to receive benefits for the period of July 14 through August 3, 2019.

**DECISION:** Order No. 19-UI-135209 is affirmed.

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

**DATE of Service: October 15, 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](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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# 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**

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**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.

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