

EMPLOYMENT APPEALS BOARD DECISION
2019-EAB-1175

Affirmed
Ineligible Weeks 40-19 and 41-19

PROCEDURAL HISTORY: On October 23, 2019, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant was ineligible to receive benefits for the period beginning September 29, 2019 and continuing until the reason for the denial had ended because claimant failed to register for work in accordance with the Department's rules. Claimant filed a timely request for hearing. On November 19, 2019, ALJ Monroe conducted a hearing, and on November 27, 2019 issued Order No. 19-UI-140466, modifying the Department's decision by concluding claimant was ineligible for benefits for the weeks including September 29 through October 12, 2019 for the same reason. On December 17, 2019, claimant filed an application for review with the Employment Appeals Board (EAB).

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

FINDINGS OF FACT: (1) On September 17, 2019, claimant filed an initial claim for unemployment insurance benefits.

(2) On September 19, 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 online iMatchSkills system and visit a local WorkSource Oregon Center in person to complete a welcome process. The letter set a deadline for completing those activities of October 4, 2019. The letter notified claimant that if he did not complete the required activities by that date, he would be denied benefits.

(3) Claimant received UI Publication 277, but "misread" it. Transcript at 13-15. He mistakenly believed he was required to either register online with iMatchSkills or go to a local WorkSource Oregon Center in person to complete the process, but not both. Although he registered for work in the online iMatchSkills system by October 4, 2019, he did not visit a local WorkSource Oregon Center in person and complete the welcome process by that date.

(4) Claimant claimed benefits for each of the weeks including September 29 through October 12, 2019 (weeks 40-19 and 41-19). Claimant did not receive benefit payments for those weeks because he had not yet completed the in-person welcome process by October 12, 2019.

(5) Shortly thereafter, claimant received another letter from the Department informing him that to be eligible for benefits, he had to both register for work in the Department's online iMatchSkills system and visit a local WorkSource Oregon Center in person to complete the welcome process. After reading that letter carefully, claimant understood that he had not yet completed the required in-person welcome process at a local WorkSource Oregon Center. However, claimant had just begun a new job and was not able to complete the welcome process until October 28, 2019. Claimant did not claim benefits for any weeks after October 12, 2019.

CONCLUSIONS AND REASONS: Claimant failed to register for work in accordance with the Department's rules until after the weeks including September 29 through October 12, 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 September 19, 2019 the Department mailed to claimant UI Publication 277, a letter which presented detailed instructions regarding how to register for work and complete other required enrollment activities to remain eligible for unemployment benefits, claimant did not complete all of those activities by the October 4, 2019 deadline stated therein. Claimant admitted that he received that letter, but "misread" it and mistakenly believed that he was not required to complete the in-person welcome process if he completed his online registration with iMatchSkills, which he did by October 4, 2019. Transcript at 15. It was only after receiving another letter from the Department explaining that both the online iMatchSkills registration and the in-person welcome process were required did claimant understand that it remained necessary for him to complete the welcome process. However, because claimant had just begun a new job, he was not able to complete the in-person welcome process until October 28, 2019.

Although the record shows that claimant's failure to timely 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 for the weeks including September 29 through October 12, 2019 (weeks 40-19 and 41-19).

DECISION: Order No. 19-UI-140466 is affirmed.

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

DATE of Service: January 21, 2020

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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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.

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