

**EMPLOYMENT APPEALS BOARD DECISION**  
**2021-EAB-0874**

*Affirmed*  
*Ineligible Weeks 33-21 through 36-21*

**PROCEDURAL HISTORY:** On September 3, 2021, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to register for work in accordance with the Department's rules and therefore was ineligible to receive unemployment insurance benefits for the week of August 15, 2021 through August 21, 2021 (week 33-21) and until the reason for the denial ended. Claimant filed a timely request for hearing. On October 13 and 21, 2021, ALJ Wardlow conducted a hearing, and on October 22, 2021 issued Order No. 21-UI-177812, modifying the September 3, 2021 administrative decision by concluding that claimant was ineligible for benefits for the weeks of August 15, 2021 through September 11, 2021 (weeks 33-21 through 36-21) for the same reason. On October 26, 2021, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) On April 2, 2021, claimant filed an initial claim for unemployment insurance benefits.

(2) On July 1, 2021, the Department mailed claimant a letter that notified her that to be eligible for benefits she was required to complete the Department's iMatchSkills registration process by July 17, 2021.

(3) On July 7, 2021, the Department mailed claimant a letter reminding her that to be eligible for benefits she was required to complete the Department's iMatchSkills registration process by July 17, 2021.

(4) Claimant did not complete the Department's iMatchSkills registration process by July 17, 2021.

(5) Claimant believed that theft of her mail occurred "on and off" during the summer of 2021. Audio Record at 13:20 to 13:45. Claimant also believed that the Department's July 1 and July 7, 2021 letters to her either were stolen from her mailbox or were mixed in with her other mail, which caused her to fail to realize that she had received them. Claimant did not report the suspected theft of her mail to either the United States Postal Service (USPS) or the local police department.

(6) Claimant claimed, but was not paid, benefits for the weeks from August 15, 2021 through September 11, 2021 (weeks 33-21 through 36-21), the weeks at issue.

(7) On September 13, 2021, claimant contacted the Department regarding her claim. A Department representative told her that to be eligible to receive benefits, she needed to complete the Department's iMatchSkills registration process.

(8) On September 14, 2021, claimant completed the Department's iMatchSkills registration process.

**CONCLUSIONS AND REASONS:** Claimant failed to register for work in accordance with the Department's rules prior to the weeks from August 15, 2021 through September 11, 2021 (weeks 33-21 through 36-21), 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 471-030-0035 (January 11, 2018) states in relevant part:

(1) A claimant may fulfill the "registered for work" requirements of ORS 657.155(1)(a) by completion of such processes as directed by the Director in order to create a full registration for work.

(2) "Full registration for work" as used in this rule, means providing information regarding the individual's job qualifications, skills, training and experience as the Director or an authorized representative of the Director deems necessary to carry out job placement services for the individual.

\* \* \*

OAR 471-020-0020 (August 8, 2004) states in relevant part:

(1)(a) Except for individuals identified in OAR 471-020-0021, all unemployment insurance claimants shall submit such information as may be required by the Oregon Employment Department to carry out job placement services for the individual including, but not limited to, the individual's job qualifications, training and experience. Such information shall be entered into the Business & Employment Services online job match system concurrent with, or as soon as possible following, the filing of an initial claim for unemployment insurance benefits. Entry of this information shall constitute enrollment.

\* \* \*

Because the Department did not pay claimant benefits for the weeks at issue, it was claimant's burden to show that she was eligible for benefits for those weeks. See, *Nichols v. Employment Division*, 24 Or App

195, 544 P2d 1068 (1976) (where the Department has paid benefits it has the burden to prove benefits should not have been paid; by logical extension of that principle, where benefits have not been paid claimant has the burden to prove that the Department should have paid benefits). Claimant did not meet that burden.

The Department notified claimant by mail on July 1, 2021 and July 7, 2021 that she was required to complete the Department's iMatchSkills registration process by July 17, 2021 to be eligible to receive benefits. Claimant did not dispute that she failed to do so until September 14, 2021. Although claimant asserted that she believed that theft of her mail occurred "on and off" during the summer of 2021 and that the letters in question could have been taken from her mailbox by another, she did not deny that she received them but only that she did not recall reading them. When questioned about whether she received the letters in question, claimant testified, "I don't remember ever reading a letter saying that I had to complete iMatchSkills. So...either...[it was] taken out of my mailbox or I accidentally jumbled it up with other [junk] mail that was in my mail." Audio Record at 16:30 to 17:30. She testified that she could have received the Department's July 1, 2021 letter but did not realize it because the letter was mixed in with her other mail. Audio Record at 11:25 to 11:55. Claimant did not report the suspected theft of her mail to either the United States Postal Service (USPS) or the local police department. Based on claimant's own testimony, it is equally as likely that claimant "accidentally jumbled" the Department's letters up with other mail that she received and did not realize she had received them, as it is that they were stolen from her mailbox. Accordingly, claimant failed to meet her burden to show otherwise. More likely than not, claimant received the Department's July 1 and July 7, 2021 letters but did not realize that she had received them or read them because they were mixed in with her other mail.

Even if claimant had established that her failure to register by the July 17, 2021 deadline was caused by the theft of the July 1 and July 7, 2021 letters, there is no good cause exception to the Department's registration requirements. Claimant also failed to show that she is a member of a class of individual claimants who are not required to submit registration information to the Department under OAR 471-020-0021.<sup>1</sup>

---

<sup>1</sup> OAR 471-020-0021 (January 8, 2006) states in relevant part,

The following unemployment insurance claimants are not required to submit registration information to the Employment Department for job placement purposes:

- (1) Individuals claiming benefits as interstate liable claimants against the State of Oregon;
- (2) Individuals on a temporary mass layoff from a single employer.
- (3) Individuals claiming benefits through an approved shared work plan under the provisions of ORS 657.380;
- (4) Individuals claiming benefits for partial unemployment under the provisions of OAR 471-030-0060; and
- (5) Individuals who are members in good standing of a union that does not allow members to seek non-union work.

Because claimant did not register for work until September 14, 2021, although she was required to complete the Department's iMatchSkills registration process by July 17, 2021 deadline, claimant was ineligible for benefits for the weeks from August 15, 2021 through September 11, 2021 (weeks 33-21 through 36-21).

**DECISION:** Order No. 21-UI-177812 is affirmed.

S. Alba and D. Hettle;  
A. Steger-Bentz, not participating.

**DATE of Service: December 2, 2021**

**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.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. You can access the survey using a computer, tablet, or smartphone. If you are unable to complete the survey online and need 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 desisyon.

## 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 ໄດ້ ໂດຍປະຕິບັດຕາມຄຳແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນຫ້າຍຂອງຄຳຕັດສິນນີ້.

**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 الاستئناف 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](http://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.