

**EMPLOYMENT APPEALS BOARD DECISION**  
**2022-EAB-0228**

*Affirmed*  
*Ineligible Weeks 26-21 through 29-21*

**PROCEDURAL HISTORY:** On July 19, 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 June 27, 2021 through July 3, 2021 (week 26-21) and until the reason for the denial had ended. Claimant filed a timely request for hearing. On January 31, 2022, ALJ Logan conducted a hearing interpreted in Mandarin, and on February 4, 2022 issued Order No. 22-UI-185646, modifying the July 19, 2021 administrative decision by concluding that claimant was ineligible for benefits for the weeks of June 27, 2021 through July 24, 2021 (weeks 26-21 through 29-21) for the same reason. On February 9, 2022, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) On June 23, 2020, claimant filed an initial claim for unemployment insurance benefits. Claimant speaks Mandarin and has limited English proficiency.

(2) Sometime between June 14, 2021 and June 18, 2021, the Department mailed claimant a letter notifying her that to be eligible for benefits she was required to complete the Department's iMatchSkills registration process by July 3, 2021.

(3) Sometime between June 21, 2021 and June 24, 2021, the Department mailed claimant a second letter reminding her that to be eligible for benefits she was required to complete the Department's iMatchSkills registration process by July 3, 2021.

(4) In late June 2021, claimant received at least one of the two letters from the Department. At some point thereafter, claimant visited the Department's website to complete the required registration, but read a statement on the site which she understood to mean that she was not required to complete the registration. Claimant recognized that the statement was inconsistent with the instructions in the Department's letter.

(5) Claimant did not complete the Department's iMatchSkills registration process by July 3, 2021.

(6) Claimant claimed benefits for the weeks from June 27, 2021 through July 24, 2021 (weeks 26-21 through 29-21). These are the weeks at issue. The Department did not pay claimant for any of the weeks at issue.<sup>1</sup> The Department mailed letters to claimant after each week claimed to inform her that her benefits had been suspended until she completed the iMatchSkills registration requirement.

(7) On July 12, 2021, claimant spoke with a representative from the Department in an attempt to obtain clarification on whether she was required to register for iMatchSkills. The representative told claimant that she needed to contact a WorkSource office. Claimant contacted a WorkSource office as instructed, but the phone system only provided options for English speakers and “some other language, but [not] Chinese.” Transcript at 12. During this phone call, claimant was unable to resolve her confusion over whether she needed to register for iMatchSkills.

(8) On July 29, 2021, claimant spoke with a representative from the Department and, with the assistance of an interpreter in Mandarin, was advised that she needed to complete her iMatchSkills registration.

(9) On July 30, 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 of June 27, 2021 through July 24, 2021 (weeks 26-21 through 29-21), 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:

---

<sup>1</sup> EAB has taken notice of this fact, which is contained in Employment Department records. OAR 471-041-0090(1) (May 13, 2019). Any party that objects to our taking notice of this information must submit such objection to this office in writing, setting forth the basis of the objection in writing, within ten days of our mailing this decision. OAR 471-041-0090(2). Unless such objection is received and sustained, the noticed fact will remain in the record.

(1)(a) Except for individuals identified in OAR 471-020-0021,<sup>2</sup> 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 two occasions during the month of June 2021 that she was required to complete the Department's iMatchSkills registration process by July 3, 2021 to be eligible to receive benefits. Claimant received at least one of the notifications by the end of June 2021 and understood that it required her to register with iMatchSkills prior to July 3, 2021, but then failed to complete her iMatchSkills registration by that deadline. At hearing, claimant indicated that her failure to meet the July 3, 2021 registration deadline was because she had read a statement on the Department's website which she understood to say that she did not actually need to complete an iMatchSkills registration. Transcript at 11-12, 15. Claimant stated that she read this website statement when filing one or more of her weekly claims for the weeks at issue. Transcript at 11. However, the Department's witness testified that she was aware of no such statement on the Department's website. Transcript at 7, 14. Claimant also failed to provide any additional evidence—such as the substance of the contradictory statement, a screen shot of the statement, or a web address where she read the statement—to corroborate her assertion. Thus, the greater weight of the evidence suggests that no statement existed on the Department's website stating that claimant was not required to register. Instead, it is more likely that claimant misread or misunderstood what she read on the Department's website.

While claimant had limited English proficiency, which might have contributed to her misunderstanding of the statement she read on the Department's website, the record also shows that she understood what was written in the Department's June 2021 letter(s), and that she understood from the letter(s) that she needed to register with iMatchSkills by July 3, 2021. Claimant's inability to resolve any misunderstanding about what she later read on the Department's website and until her July 29, 2021 conversation with the Department, does not change the fact that claimant knew that the June 2021 letter(s) had instructed to register for iMatchSkills on or before July 3, 2021. Claimant's proper course of action would have been to follow through with her iMatchSkills registration while seeking clarification from the Department. This conclusion is further supported by evidence showing that after

---

<sup>2</sup> Claimant did not assert, nor does the record otherwise show, that any of the exceptions to registration, as enumerated in OAR 471-020-0021, apply to her circumstances.

claimant claimed each of the weeks at issue, the Department mailed her a notification that her benefits had been suspended until she completed the iMatchSkills registration requirement.

Under these circumstances, where claimant understood that she had been instructed to register by July 3, 2021, but she did not actually register until July 30, 2021, claimant has failed to meet her burden to show that she should be allowed benefits for the weeks at issue. Claimant therefore is ineligible for benefits for the weeks from June 27, 2021 through July 24, 2021 (weeks 26-21 through 29-21).

**DECISION:** Order No. 22-UI-185646 is affirmed.

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

**DATE of Service:** April 12, 2022

**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](https://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 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 ໄດ້ ໂດຍປະຕິບັດຕາມຄຳແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄຳຕັດສິນນີ້.

**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.