

EMPLOYMENT APPEALS BOARD DECISION
2022-EAB-0276

Affirmed
Ineligible Weeks 28-21 through 29-21

PROCEDURAL HISTORY: On July 30, 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 July 11, 2021 through July 17, 2021 (week 28-21) and until the reason for the denial had ended. Claimant filed a timely request for hearing. On February 10, 2022, ALJ Ramey conducted a hearing, and on February 17, 2022 issued Order No. 22-UI-186752, modifying¹ the July 30, 2021 administrative decision by concluding that claimant was ineligible for benefits for the weeks including July 11, 2021 through July 24, 2021 (weeks 28-21 through 29-21) for the same reason. On February 28, 2022, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) On June 29, 2020, claimant filed an initial claim for unemployment insurance benefits.

(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 two-step iMatchSkills registration process by July 3, 2021. The first step of the registration process required claimant to complete her basic information in the iMatchSkills system and the second step required claimant to create her job-seeker profile in the iMatchSkills system. Claimant received the Department's letter and understood that she needed to complete her iMatchSkills registration by July 3, 2021.

(3) Sometime between June 21, 2021 and June 25, 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.

¹ Order No. 22-UI-186752 stated that it affirmed the July 30, 2021 administrative decision. Order No. 22-UI-186752 at 3. However, Order No. 22-UI-186752 modified the July 30, 2021 administrative decision by concluding that claimant was ineligible for benefits for an additional week.

(4) Prior to July 3, 2021, claimant logged into the iMatchSkills system and attempted to complete the iMatchSkills registration requirement. However, claimant did not complete her registration before the deadline because she failed to check a certain box in the registration system and her failure to do so made the registration incomplete. The iMatchSkills system did not alert claimant to the fact that her registration was incomplete so claimant “assumed” that she had satisfied the iMatchSkills registration requirement prior to the deadline. Audio Record at 13:21.

(5) On July 21, 2021, claimant claimed benefits for the weeks including July 11, 2021 through July 24, 2021 (weeks 28-21 through 29-21). These are the weeks at issue. The Department did not pay claimant for any of the weeks at issue.

(6) On July 22, 2021, the Department mailed claimant a suspense letter informing her that she was not paid for week 28-21 because she had not completed her iMatchSkills registration. Claimant received the Department’s letter.

(7) On July 23, 2021, claimant logged into the iMatchSkills system and completed step one of the registration process by providing her basic information. Claimant did not complete step two of the registration process at that time.

(8) On July 27, 2021, the Department mailed claimant a suspense letter informing her that she was not paid for week 29-21 because she had not completed her job-seeker profile in the iMatchSkills system and therefore had not completed the iMatchSkills registration process. Claimant received the Department’s letter.

(9) On July 30, 2021, claimant logged into the iMatchSkills system and completed step two of the registration process by completing her job-seeker profile. By completing step two, claimant completed her iMatchSkills registration.

CONCLUSIONS AND REASONS: Claimant failed to register for work in accordance with the Department’s rules prior to the weeks including July 11, 2021 through July 24, 2021 (weeks 28-21 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:

(1)(a) Except for individuals identified in OAR 471-020-0021,² 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 two-step 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 complete her iMatchSkills registration by July 3, 2021, but then failed to complete the registration by that deadline. At hearing, claimant indicated that her failure to meet the July 3, 2021 registration deadline was due to an inadvertent failure to check a required box on the registration website, which made her registration attempt prior to July 3, 2021 incomplete. The record shows that claimant subsequently recognized this error and on July 23, 2021 attempted to complete her iMatchSkills registration, but only completed step one of the two step process at that time. Claimant did not complete the second required registration step until July 30, 2021. There is no "good cause" exception to the Department's iMatchSkills registration requirement in the applicable administrative rules or statutes. Therefore, because claimant did not complete the iMatchSkills registration requirement until July 30, 2021, claimant was ineligible for benefits for the weeks at issue.

DECISION: Order No. 22-UI-186752 is affirmed.

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

² 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.

DATE of Service: May 2, 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. 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 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 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 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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