

EMPLOYMENT APPEALS BOARD DECISION
2022-EAB-0536

Affirmed
Eligible Week 06-22
Ineligible Weeks 07-22 through 08-22

PROCEDURAL HISTORY: On February 25, 2022, 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 for unemployment insurance benefits for the week of February 6, 2022 through February 12, 2022 (week 06-22) and until the reason for the denial had ended. Claimant filed a timely request for hearing. On April 15, 2022, ALJ Lucas conducted a hearing, and on April 19, 2022 issued Order No. 22-UI-191689, modifying the February 25, 2022 administrative decision by concluding that claimant was eligible for benefits for the week including February 6, 2022 through February 12, 2022 (weeks 06-22), but was ineligible for benefits for the weeks including February 13, 2022 through February 26, 2022 (weeks 07-22 through 08-22). On May 3, 2022, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) On January 23, 2022, claimant filed an initial claim for unemployment insurance benefits. On January 24, 2022, the Department mailed claimant a letter stating that claimant was required to complete the Department's iMatchSkills registration process by February 8, 2022.

(2) Claimant's mail was often delivered to the wrong mailbox, which caused him to frequently fail to receive mail. Claimant did not receive the Department's January 24, 2022 letter and did not register for iMatchSkills by the February 8, 2022 deadline.

(3) In early to mid-February 2022, the Department sent claimant another letter advising of his obligation to complete the Department's iMatchSkills registration process. Claimant received this letter on February 14, 2022.

(4) Claimant did not immediately complete the iMatchSkills registration process. Claimant filed unemployment insurance claims in the past, and noticed that his iMatchSkills account still existed from when he had created it for a previous claim. Claimant incorrectly assumed that, because his account still existed, he did not have to complete the iMatchSkills registration process for his current claim. Claimant

was also undergoing an identity verification process conducted by the Department and incorrectly believed that the identity verification had to be completed by the Department before he could complete the iMatchSkills registration process.

(5) Claimant claimed benefits for the weeks including February 6, 2022 through February 26, 2022 (weeks 06-22 through 08-22). These are the weeks at issue. The Department did not pay claimant benefits for the weeks at issue.

(6) On February 22, 2022, claimant called the Department to check the status of his claim and a representative advised him to complete the iMatchSkills registration process. On February 28, 2022, claimant spoke to a representative from the Department at a WorkSource office. That representative also advised claimant to complete the iMatchSkills registration process.

(7) On March 4, 2022, claimant completed the iMatchSkills registration process.

CONCLUSIONS AND REASONS: Claimant is eligible for benefits for week 06-22. However, claimant did not register for work in accordance with the Department's rules and therefore is ineligible for benefits for weeks 07-22 through 08-22.

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(1) 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 471-020-0021,¹ 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,

¹ 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 his circumstances.

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, claimant has the burden to show that he is 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).

The record shows that the Department did not direct claimant to register for iMatchSkills to fulfill claimant's "registered for work" requirements for week 06-22, and thus claimant did not fail to fulfill the work registration requirements for that week. Although, on January 24, 2022, the Department mailed a letter intending to notify claimant he was required to complete the Department's iMatchSkills registration process, the letter was not sufficient to equate to a direction that claimant satisfy the work registration requirement by completing iMatchSkills because claimant did not actually receive the letter. For this reason, claimant met his burden to show that, prior to his receipt of the Department's letter on February 14, 2022, the Department had not directed him to satisfy the work registration requirement via iMatchSkills, and claimant therefore was not required to complete iMatchSkills to fulfill the work registration requirement. Accordingly, claimant is eligible to receive benefits for week 06-22.

In contrast, as to weeks 07-22 and 08-22, the record shows that upon claimant's receipt of the Department's letter on February 14, 2022, the Department directed claimant to fulfill his work registration requirement via the iMatchSkills process. Following claimant's receipt of the letter on February 14, 2022, he failed to complete the iMatchSkills registration process until March 4, 2022. While claimant may have incorrectly believed he need not complete the registration process because he still had an iMatchSkills account from a previous claim and because his identity was being verified, the February 14, 2022 letter put him on notice of his obligation to complete iMatchSkills registration. Because claimant was required to register for work by completing the iMatchSkills registration process for weeks 07-22 and 08-22 but failed to do so, claimant is not eligible to receive benefits for those weeks under ORS 657.155(1)(a) and 657.159(1).

For the above reasons, claimant is eligible to receive benefits for week 06-22. However, claimant did not register for work in accordance with the Department's rules and therefore is ineligible for benefits for weeks 07-22 and 08-22.

DECISION: Order No. 22-UI-191689 is affirmed.

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

DATE of Service: July 27, 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 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 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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