

EMPLOYMENT APPEALS BOARD DECISION
2023-EAB-0460

Affirmed
Late Request for Hearing Allowed
Ineligible Weeks 26-21 through 28-21

PROCEDURAL HISTORY: On July 19, 2021, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant had failed to register for work in accordance with the Department's rules and was ineligible for benefits from June 27 through July 3, 2021 (week 26-21) and until the reason for the denial had ended. On August 9, 2021, the July 19, 2021 administrative decision became final without claimant having filed a request for hearing. On August 12, 2021, claimant filed a late request for hearing. ALJ S. Lee considered claimant's request, and on October 5, 2021 issued Order No. 21-UI-176362, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by October 19, 2021. On October 18, 2021, claimant filed a timely response to the appellant questionnaire.

On January 13, 2022, the Office of Administrative Hearings (OAH) mailed a letter stating that Order No. 21-UI-176362 was vacated and that a hearing would be scheduled to determine whether to allow claimant's late request for hearing and, if so, the merits of the July 19, 2021 administrative decision. On March 24, 2023, ALJ Blam conducted the hearing, and on March 31, 2023 issued Order No. 23-UI-220759, allowing claimant's late request for hearing and modifying the July 19, 2021 administrative decision by concluding that claimant was ineligible for benefits from June 27 through July 17, 2021 (weeks 26-21 through 28-21). On April 17, 2023, claimant filed an application for review of Order No. 23-UI-220759 with the Employment Appeals Board (EAB).

Based on a *de novo* review of the entire record in this case, and pursuant to ORS 657.275(2), the portion of the order under review allowing claimant's late request for hearing is **adopted**. The remainder of this decision addresses claimant's failure to timely register for work in accordance with the Department's rules.

FINDINGS OF FACT: (1) On September 25, 2018, claimant filed an initial claim for unemployment insurance benefits. Claimant subsequently claimed benefits for the weeks from June 27, 2021 through July 17, 2021 (weeks 26-21 through 28-21). These are the weeks at issue. The Department did not pay claimant benefits for the weeks at issue.

(2) During the week of June 14, 2021, the Department mailed claimant a letter advising her that she was required to complete her profile in the Department's iMatchSkills system and participate in a "welcome interview" with a WorkSource Oregon representative by July 3, 2021. Transcript at 18. The following week, the Department mailed claimant another letter advising her of the same requirements and deadline. Claimant received at least one of these letters prior to the July 3, 2021 deadline.

(3) Claimant did not complete the process of completing her iMatchSkills profile and participating in an interview with WorkSource Oregon until July 22, 2021. Claimant did not do so earlier because she had already completed these processes in previous years and did not initially understand that she was required to do so again each year.

CONCLUSIONS AND REASONS: Claimant failed to register for work in accordance with the Department's rules and therefore is ineligible for benefits for the weeks at issue.

ORS 657.155(1)(a) states that an individual shall only be eligible to receive benefits with respect to any week if "[t]he individual has registered for work at and thereafter has continued to report at an employment office in accordance with" the Department's 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) provides, in 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(1)(a) (August 8, 2004) provides, in relevant part, that except for individuals identified in OAR 471-020-0021 (January 8, 2006), 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.

OAR 471-020-0021 (January 8, 2006) provides that 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.

OAR 471-030-0060(1) (January 11, 2018) provides that a partially unemployed individual is one who:

(a) Has been working full time and remains attached to their usual and regular employer; and

(b) Now works some but less than their customary full time hours for such employer because of a lack of full time work;

(c) Has earnings less than their weekly benefit amount; and

(d) Expects to return to full time work for such employer.

The Department denied claimant benefits for the weeks at issue because she did not complete her iMatchSkills registration or the Department's welcome interview process prior to the deadline of July 3, 2021. Claimant's circumstances did not qualify her for any of the exceptions to the registration requirements found under OAR 471-020-0021. Further, the record shows that claimant received notice of these requirements prior to the deadline, and did not complete them prior to the deadline largely because she had already completed them in prior years and did not understand that she had to do so again that year. While claimant's confusion is understandable, the applicable rules do not contain any exceptions relating to a misunderstanding of the registration requirements. Therefore, because claimant failed to register for work in accordance with the Department's rules, she was not eligible for benefits during the weeks at issue.

DECISION: Order No. 23-UI-220759 is affirmed.

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

DATE of Service: May 24, 2023

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 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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