

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0069**

*Reversed*  
*Eligible Weeks 44-23 through 47-23*

**PROCEDURAL HISTORY:** On November 22, 2023, 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 October 29, 2023, through November 4, 2023 (week 44-23), and until the reason for the denial had ended. Claimant filed a timely request for hearing. On December 27, 2023, ALJ Chiller conducted a hearing, and on December 29, 2023 issued Order No. 23-UI-244405, modifying the November 22, 2023 administrative decision by concluding that claimant failed to register for work in accordance with the Department's rules and therefore was ineligible to receive benefits for the weeks from October 29, 2023 through November 25, 2023 (weeks 44-23 through 47-23).<sup>1</sup> On January 11, 2024, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** On January 12, 2024, claimant submitted a written argument in the form of a hand-written note on her application for review along with numerous documents including emails sent to claimant from the Department's WorkSource representatives on the subject of claimant's iMatch skills registration and orientation interview. Claimant's argument contained information that was not part of the hearing record, and did not show that factors or circumstances beyond claimant's reasonable control prevented her from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), other than EAB Exhibit 1, which, as indicated below, is being received into evidence because it is necessary to complete the record, EAB considered only information received into evidence at the hearing when reaching this decision. EAB considered claimant's argument to the extent it was based on the evidence in the record.

**EVIDENTIARY MATTER:** Review of the documents included with claimant's written argument show that certain of the documents, specifically emails sent to claimant from the Department's WorkSource representatives regarding claimant's iMatch skills registration and orientation interview, contain relevant and material information necessary to resolve disputed issues in this case. The emails

<sup>1</sup> Although Order No. 23-UI-244405 stated that it affirmed the November 22, 2023 administrative decision, it modified that decision by changing the weeks of ineligibility. Order No. 23-UI-244405 at 4.

are therefore necessary to complete the record and, as such, are being received into evidence as necessary to complete the record pursuant to OAR 471-041-0090(1)(a). The additional evidence is being marked as EAB Exhibit 1, and a copy provided to the parties with this decision. Any party that objects to our admitting EAB Exhibit 1 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 exhibit will remain in the record.

**FINDINGS OF FACT:** (1) On September 27, 2023, claimant filed an initial claim for unemployment insurance benefits.

(2) On October 17, 2023, the Department mailed claimant a letter advising that claimant was required to register for work by completing her online profile in the Department's iMatch skills registration system and completing an orientation interview with a Department WorkSource representative. The letter stated that the deadline to complete the registration process was October 31, 2023.

(3) Claimant initially created her profile in the iMatch skills registration system when she filed her initial claim. Claimant received the letter establishing the October 31, 2023, deadline. In mid-October 2023, claimant logged into her iMatch skills profile again and saw a list of items to complete, including entering details from her resume into the iMatch skills registration system and completing an interview with a WorkSource representative. Claimant manually entered the details from her resume into her iMatch skills profile.

(4) Claimant scheduled an appointment with a WorkSource representative to complete the orientation interview. On October 25, 2023, Claimant received a confirmation email from a WorkSource representative, C.G., that a virtual interview appointment was scheduled for October 27, 2023, at 1:00 p.m. EAB Exhibit 1 at 6. C.G.'s email specified, "During this appointment, we will review your WorkSource registration and iMatchSkills profile." EAB Exhibit 1 at 6.

(5) On the morning of October 27, 2023, claimant received an email from a different WorkSource representative, W.C., sharing the meeting credentials for the virtual interview scheduled for that day. EAB Exhibit 1 at 8. At 1:00 p.m. that day, W.C. conducted the orientation interview with claimant. During an orientation interview, if an individual's profile in the iMatch skills registration system is incomplete, the WorkSource representative "would walk them through completing it at that time." Audio Record at 26:06.

(6) As of the time claimant completed her orientation interview, her iMatch skills registration profile was also complete.

(7) Later that afternoon, W.C. sent claimant an email stating, "I wanted to provide you with a visual of how your iMatch Skills account now reads for your records[.]" EAB Exhibit 1 at 10. W.C.'s email listed claimant's name and below that stated: "Welcome Process Completed October 27, 2023." EAB Exhibit 1 at 10. W.C. also sent numerous other emails to claimant on the afternoon of October 27, 2023, on subjects including sample resumes and cover letters, links to job posting websites, and how to describe work search activities on one's weekly claim forms. EAB Exhibit 1 at 13-42.

(8) Claimant claimed benefits for the weeks including October 29, 2023, through November 25, 2023 (weeks 44-23 through 47-23). These are the weeks at issue. The Department did not pay claimant benefits for the weeks at issue.

(9) Although claimant completed her profile in the iMatch skills registration system and completed an orientation interview, as of December 27, 2023, the Department had no record of the October 17, 2023, meeting having occurred or of certain aspects of claimant's iMatch skills profile, such as occupational skills and desired shift and wage, having been completed.

**CONCLUSIONS AND REASONS:** Claimant registered for work in accordance with the Department's rules and therefore was eligible for benefits for the weeks from October 29, 2023, through November 25, 2023 (weeks 44-23 through 47-23), so long as she is not ineligible on a different basis.

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, 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, claimant has the 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).

The order under review concluded that claimant failed to register to work by the October 31, 2023, deadline because, although she completed her orientation interview, she did not complete her online profile in the Department's iMatch skills registration system. Order No. 23-UI-244405 at 4. The record does not support this conclusion. Claimant met her burden to prove that she fulfilled the "registered for work" requirements of ORS 657.155(1)(a) by creating a full registration for work in that claimant both completed her online profile in the Department's iMatch skills registration system and completed her orientation interview prior to the October 31, 2023, deadline.

At hearing, the witness for the Department testified that claimant's iMatch skills profile showed as incomplete and that the Department had no record of the October 27, 2023, meeting having occurred. Audio Record at 23:30 to 24:24. Claimant testified that she initially created her profile in the iMatch skills registration system when she filed her initial claim. Audio Record at 37:13. Claimant further testified that she logged into her iMatch skills profile again and saw a list of items to complete including entering details from her resume into her iMatch skills profile, which she did, and completing an orientation interview with a WorkSource representative. Audio Record at 38:40 to 40:36. Claimant also testified at length about the October 27, 2023, interview, including her email interactions with both C.G. and W.C. and interview with W.C., which are corroborated by the emails contained in EAB Exhibit 1. Audio Record at 43:36 to 53:42; *see also* EAB Exhibit 1 at 1-42.

The weight of the evidence favors claimant's account that she completed her online profile in the Department's iMatch skills registration system and the orientation interview prior to the October 31, 2023, deadline. It is evident that claimant scheduled an orientation interview and received a confirmation email from C.G., and then on October 27, 2023, had an interview with W.C., which resulted in W.C. sending claimant an email stating "Welcome Process Completed October 27, 2023." *See* EAB Exhibit 1 at 6-10. It is more likely than not that as of when claimant completed this orientation interview, her iMatch skills registration profile was also complete. This is so because claimant testified credibly that she manually entered details from her resume into her iMatch skills profile when she logged in and saw a list of items to complete. Audio Record at 39:59. That the profile was completed no later than upon the completion of the October 27, 2023, interview is further bolstered by W.C.'s "Welcome Process Completed October 27, 2023" confirmation email. EAB Exhibit 1 at 10. That claimant's iMatch skills registration profile was complete is consistent with the fact that W.C. also sent numerous other emails to claimant on the afternoon of October 27, 2023, on subjects including sample resumes and cover letters, links to job posting websites, and how to describe work search activities on one's weekly claim forms, and did not send an email that the iMatch skills profile was incomplete. EAB Exhibit 1 at 13-42.

That claimant's iMatch skills registration profile was complete as of the time she had completed the orientation interview is also consistent with the description provided by the Department's witness of what occurs when a WorkSource representative does an orientation interview. It is correct that the Department's witness testified that as of the date of the hearing, certain aspects of claimant's iMatch skills profile, such as occupational skills and desired shift and wage, showed as incomplete. Audio Record at 58:11. However, the witness also stated at hearing that if an individual's profile in the iMatch

skills registration system is incomplete at the time of the orientation interview, the WorkSource representative “would walk them through completing it at that time.” Audio Record at 26:06. Further, when asked whether it was “possible to complete the one-on-one meeting requirement without having the iMatch skills profile completed,” the Department’s witness testified, “No . . . part of the one-on-one meeting is completing the iMatch skills registration if it’s still . . . incomplete by the time the meeting starts.” Audio Record at 26:30.

While it is unusual that the Department’s records did not reflect that claimant’s iMatch skills profile and interview were completed, the Department’s witness testified at hearing that this may have been due to the fact that the WorkSource representatives, C.G. and W.C., were emailing claimant directly rather than using the Department’s scheduling tool. Audio Record at 56:31. It is also possible that the responsibility of interviewing claimant on October 27, 2023, may have been shuffled at the last moment from C.G. to W.C., which may have contributed to an absence of records.

Accordingly, the preponderance of evidence shows that claimant fulfilled the “registered for work” requirements of ORS 657.155(1)(a) by creating a full registration for work by completing her iMatch skills profile and orientation interview by October 31, 2023. Claimant therefore registered for work in accordance with the Department’s rules and was eligible for benefits for the weeks from October 29, 2023, through November 25, 2023 (weeks 44-23 through 47-23), so long as she is not ineligible on a different basis.

Note that at hearing the Department’s witness stated that the denial of benefits resulting from the November 22, 2023, administrative decision was ongoing. Audio Record at 11:58. Near the conclusion of the hearing, the Department’s witness provided to claimant the telephone number to the Oregon City, Oregon WorkSource office and urged claimant to “see if they have record of this or can help get that information into the system.” Audio Record at 1:03:5.

This decision concludes that claimant was not ineligible to receive benefits for the weeks at issue based upon a failure to register. However, to avoid denial of any additional weeks of benefits claimant may claim in the future, claimant may wish to call the Oregon City WorkSource office, and verify her information with the office. The telephone number provided by the Department’s witness at hearing was (971) 673-6400. Audio Record at 1:02:52.

**DECISION:** Order No. 23-UI-244405 is set aside, as outlined above.

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

**DATE of Service:** February 21, 2024

**NOTE:** This decision reverses an order that denied benefits. Please note that payment of benefits, if any are owed, may take approximately a week for the Department to complete.

**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 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 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  
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