

EMPLOYMENT APPEALS BOARD DECISION
2024-EAB-0454

Modified
Eligible Weeks 09-24 through 17-24

PROCEDURAL HISTORY: On March 25, 2024, 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 was therefore ineligible to receive unemployment insurance benefits effective the week of February 25, 2024 through March 2, 2024 (week 09-24) and until the reason for the denial ended (decision # L0003284369). Claimant filed a timely request for hearing. On May 6, 2024, ALJ Strauch conducted a hearing at which the Department did not appear, and on May 8, 2024 issued Order No. 24-UI-253704, modifying decision # L0003284369 by concluding that claimant failed to register for work in accordance with the Department's rules and was ineligible to receive unemployment insurance benefits for the weeks of February 25, 2024 through March 16, 2024 (weeks 09-24 through 11-24), but eligible for the weeks of March 17, 2024 through April 27, 2024 (weeks 12-24 through 17-24). On May 22, 2024, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB considered claimant's argument in reaching this decision.

FINDINGS OF FACT: (1) On February 25, 2024, claimant filed an initial claim for unemployment insurance benefits. Claimant subsequently made claims for the weeks including February 25, 2024 through April 27, 2024 (weeks 09-24 through 17-24). These are the weeks at issue. The Department did not pay claimant benefits for the weeks at issue.

(2) During the weeks at issue, claimant resided in California. After filing his initial claim, the Department mailed a letter to claimant stating that he was required to register for work in the iMatch Skills system or, if he did not reside in Oregon, to provide proof that he registered for work in the equivalent work registration system of the state where he resided. Claimant received this letter on approximately March 6, 2024, and claimant did not note any deadline by which he had to register for work that may have been stated in the letter.

(3) On March 16, 2024, claimant sent a message using the Department's website stating that he had registered in California's work registration system, CalJobs. Claimant provided the Department with screenshots showing his registration for work in that system.

CONCLUSIONS AND REASONS: Claimant registered for work in accordance with the Department's rules.

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 471-020-0020(l)(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 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.

Claimant received notice of the Department's directive to register for work on approximately March 6, 2024, and registered for work in accordance with those directives by March 16, 2024. The order under review concluded that claimant was ineligible to receive benefits "until he provided [CalJobs work registration] documentation" to the Department on March 16, 2024. Order No. 24-UI-253704 at 3. The record does not support this conclusion.

Claimant testified that he received the Department's letter directing him to register for work approximately 10 days after he filed his initial claim for benefits, and that the letter stated that registering with the state where he resided and providing proof of that registration to the Department would satisfy the work registration requirement. Audio Record at 10:30, 26:15. As the initial claim was filed on February 25, 2024, it can be inferred that claimant received the letter on approximately March 6, 2024. Claimant further testified that he was actively registered for work in the CalJobs system prior to filing his initial claim for benefits in Oregon. Audio Record at 15:13. Therefore, according to claimant's un rebutted testimony about the letter's directives, he only had to provide proof to the Department of his existing CalJobs registration to satisfy the Department's registration requirements.

Claimant asserted that he did not remember seeing a deadline for work registration in the letter he received from the Department. Audio Record at 11:24. As the Department did not participate in the hearing or file an attestation, and the letter itself is not in evidence, the record does not establish that claimant was informed of a deadline by which to provide proof of work registration, or what date the Department considered to be the deadline. Therefore, the un rebutted evidence that claimant provided proof of his CalJobs work registration to the Department by March 16, 2024, as evinced by a copy of his online message to the Department sent that day, established that he complied with the directives in the letter. Exhibit 2 at 9-10. Because the record does not show a failure to comply with the Department's

registration requirements during any of the weeks at issue, claimant is eligible to receive benefits for the weeks of February 25, 2024 through April 27, 2024 (weeks 09-24 through 17-24).

DECISION: Order No. 24-UI-253704 is modified, as outlined above.

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

DATE of Service: July 1, 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. 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 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 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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