

EMPLOYMENT APPEALS BOARD DECISION
2024-EAB-0486

Modified
Eligible Weeks 07-24 through 10-24

PROCEDURAL HISTORY: On March 12, 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 ineligible for benefits effective February 11, 2024 (week 07-24) and until the reason for the denial ended (decision # L0003214408). Claimant filed a timely request for hearing. On May 16, 2024, ALJ Contreras conducted a hearing at which the Department failed to appear, and on May 20, 2024 issued Order No. 24-UI-254560, modifying decision # L0003214408 by concluding that claimant failed to register for work and was ineligible for benefits for the week of March 3 through 9, 2024 (week 10-24), but was eligible for benefits for the weeks from February 11 through March 2, 2024 (weeks 07-24 through 09-24). On June 4, 2024, claimant filed an application for review with the Employment Appeals Board (EAB).

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

EAB considered the entire hearing record. EAB agrees with the portion of Order No. 24-UI-254560 concluding that claimant did not fail to register for work in accordance with the Department's rules during the weeks from February 11 through March 2, 2024 (weeks 07-24 through 09-24) and is eligible for benefits for those weeks. Pursuant to ORS 657.275(2), that portion of Order No. 24-UI-254560 is **adopted**. The rest of this decision addresses claimant's eligibility for benefits for week 10-24.

FINDINGS OF FACT: (1) On February 21, 2024, claimant filed an initial claim for unemployment insurance benefits that the Department determined was monetarily valid.¹ Claimant filed weekly claims for benefits, including for the week of March 3 through 9, 2024 (week 10-24). This is the week at issue.

¹ EAB has taken notice of this fact which is contained in Employment Department records. OAR 471-041-0090(1) (May 13, 2019). Any party that objects to our taking notice of this information 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 noticed fact will remain in the record.

The Department issued payment for the week at issue, and payment or waiting week credit for weeks 07-24 through 09-24, on April 29, 2024.²

(2) On February 27, 2024, claimant received a letter from the Department stating, among other things, that he was required to register for work in the iMatchSkills system and attend a welcome interview at a WorkSource office. The letter gave claimant a deadline of March 7, 2024, to complete these tasks.³

(3) On March 4, 2024, claimant contacted the Department via online chat and discussed his claim with a representative because he had not yet been paid benefits. Claimant had completed some of the tasks in the letter but had not completed the iMatchSkills registration or attended a welcome interview. Claimant asked the representative if he “needed to do anything else,” and they responded, “No, it looks like you’re good. We’ll let you know if we need anything else.” Audio Record at 9:28. Based on the representative’s response, claimant did not believe that he was required to complete any outstanding tasks listed in the letter, and did not complete the work registration or interview by the March 7, 2024, deadline.

CONCLUSIONS AND REASONS: Claimant is eligible for benefits for week 10-24.

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(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 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.

² As payment for the week at issue was made on April 29, 2024, it appears that decision # L0003214408 was amended from a decision denying benefits to a decision allowing benefits for that week. This suggests that there may have been no justiciable controversy regarding week 10-24 at the time of the hearing, and during the hearing claimant declined the ALJ’s offer to extend jurisdiction beyond week 07-24 since benefits had subsequently been allowed for those weeks. Audio Record at 7:59. Nonetheless, Order No. 24-UI-254560 asserted jurisdiction over, and denied claimant benefits for, week 10-24. Further, the Department’s records suggest that on May 22, 2024, following the issuance of Order No. 24-UI-254560, the Department issued another amended administrative decision in the matter, again finding claimant ineligible for benefits, effective February 11, 2024, on the basis of failing to register for work (decision # L0004156867). It appears the Department’s intention may have been only to effectuate Order No. 24-UI-254560 by updating their records as to claimant’s ineligibility for week 10-24, and that decision # L0004156867 was issued in error. In the interest of judicial economy, EAB’s decision is made with regard to both administrative decisions and determines claimant’s eligibility for benefits related to work registration for weeks 07-24 through 10-24.

³ The Department’s records suggest that this deadline may have been extended to March 10, 2024, likely without notice to claimant, which may explain the Department’s April 29, 2024, decision to pay claimant benefits for weeks claimed prior to the deadline (weeks 07-24 through 10-24).

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.

* * *

Claimant did not register in iMatchSkills or attend a WorkSource interview by the March 7, 2024, deadline stated in the Department’s letter. The order under review concluded that claimant failed to register for work in accordance with the Department’s rules during the week at issue and therefore was ineligible for benefits for that week. Order No. 24-UI-254560 at 3. The record shows that these tasks were not completed by March 7, 2024, but does not support a finding of ineligibility, because the Department was estopped from enforcing the deadline after falsely representing to claimant on March 4, 2024, that he need not take any further action to maintain eligibility for benefits.

The doctrine of equitable estoppel “requires proof of a false representation, (1) of which the other party was ignorant, (2) made with the knowledge of the facts, (3) made with the intention that it would induce action by the other party, and (4) that induced the other party to act upon it.” *Keppinger v. Hanson Crushing, Inc.*, 161 Or App 424, 428, 983 P2d 1084 (1999) (citation omitted). In addition, to establish estoppel against a state agency, a party “must have relied on the agency’s representations and the party’s reliance must have been reasonable.” *State ex rel SOS v. Dennis*, 173 Or App 604, 611, 25 P3d 341, *rev den*, 332 Or 448 (2001) (citing *Dept. of Transportation v. Hewett Professional Group*, 321 Or 118, 126, 895 P2d 755 (1995)).

Claimant testified that on February 27, 2024, he received a letter from the Department setting forth a list of tasks to complete in order to be eligible for benefits. Audio Record at 8:30. He further testified that the letter gave a deadline of March 7, 2024, to complete these tasks, which included iMatchSkills registration and a WorkSource welcome interview. Audio Record at 10:45. Claimant explained that he did not initially notice these two requirements in the letter, did not complete them, and, after not immediately receiving payment for weeks 07-24 through 09-24, contacted the Department on March 4, 2024, for an explanation. The representative told claimant that there was nothing else he needed to do at that time and that he would be informed if there was anything he needed to do in the future. Claimant relied on this representation in not re-examining the letter to ensure that all tasks were completed by the stated deadline. Claimant’s reliance on the representative’s statement, rather than the letter he had received earlier, was reasonable under these circumstances.

Here, the Department representative’s March 4, 2024, representation to claimant that he did not need to do anything else at that time to maintain eligibility for benefits was false. Claimant did not know this information was false, as he could reasonably assume that a Department representative would have access to accurate information on what tasks he needed to complete. It can reasonably be inferred that

the representative was aware of the Department's rules regarding work registration and how to check whether a claimant had completed them, and therefore that the representative had knowledge of the relevant facts when communicating with claimant. The representative's statement to claimant, "We'll let you know if we need anything else," suggested that the representative's intention was that claimant not take any further immediate action regarding his claim. Finally, claimant's testimony established that he relied on the representative's statement in failing to investigate further whether additional action was required on his part, as following the conversation, he thought, "I'm good," and "was just waiting for [the Department] to do whatever." Audio Record at 9:50. Because claimant's reliance on the Department's false representation regarding whether he needed to complete the registration tasks by the March 7, 2024, deadline was reasonable, the Department is estopped as a matter of equity from enforcing that deadline in denying claimant benefits for the week at issue.

For these reasons, claimant is eligible benefits for the week of March 3 through 9, 2024 (week 10-24).

DECISION: Order No. 24-UI-254560 is modified, as outlined above.

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

DATE of Service: July 11, 2024

NOTE: This decision modifies 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.

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 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 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.

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