

EMPLOYMENT APPEALS BOARD DECISION
2024-EAB-0607

Affirmed
Ineligible Weeks 16-24 through 28-24
Eligible Weeks 29-24 through 31-24

PROCEDURAL HISTORY: On May 7, 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 for the week of April 14, 2024, through April 20, 2024 (week 16-24) and until the reason for the denial had ended (decision # L0003969902). Also on May 7, 2024, the Department served notice of an administrative decision concluding that claimant had failed to provide information in accordance with the Department's rules by failing to complete required identity verification and was therefore ineligible to receive benefits for the week of May 5, 2024¹ through May 11, 2024 (week 19-24) and until the reason for the denial had ended (decision # L0003951288). Claimant filed a timely request for hearing on each decision.

On August 6, 2024, ALJ Christon conducted a consolidated hearing at which the Department failed to appear. On August 14, 2024, ALJ Christon issued Order No. 24-UI-262547, modifying decision # L0003969902 by concluding that claimant failed to register for work during the weeks of April 14, 2024, through July 13, 2024 (weeks 16-24 through 28-24) and was therefore ineligible to receive benefits for those weeks, but was eligible to receive benefits for the weeks of July 14, 2024, through August 3, 2024 (weeks 29-24 through 31-24). Also on August 14, 2024, ALJ Christon issued Order No. 24-UI-262536, modifying decision # L0003951288 by concluding that claimant failed to provide information during the weeks of May 5, 2024, through July 13, 2024 (weeks 19-24 through 28-24) and was therefore ineligible to receive benefits for those weeks, but eligible to receive benefits for the weeks of July 14, 2024, through August 3, 2024 (weeks 29-24 through 31-24). On August 20, 2024, claimant filed an application for review of Orders No. 24-UI-262547 and 24-UI-262536 with the Employment Appeals Board (EAB).

¹ Decision # L0003951288 stated that the period of ineligibility began Monday, May 6, 2024. However, because benefit weeks begin on Sundays, it is presumed that the Department intended that the period begin on Sunday, May 5, 2024.

Pursuant to OAR 471-041-0095 (October 29, 2006), EAB consolidated its review of Orders No. 24-UI-262547 and 24-UI-262536. For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2024-UI-0607 and 2024-EAB-0608).

WRITTEN ARGUMENT: 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 him from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), 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 record.

FINDINGS OF FACT: (1) On April 19, 2024, claimant filed an initial claim for unemployment insurance benefits using Frances Online. The Department determined that the claim was monetarily valid. Claimant claimed benefits for the weeks including April 14, 2024, through April 20, 2024 (week 16-24), May 5, 2024, through May 18, 2024 (weeks 19-24 through 20-24), and July 7, 2024 through August 3, 2024 (weeks 28-24 through 31-24). The Department paid claimant benefits for weeks 16-24, 29-24, 30-24, and 31-24, but did not pay benefits for weeks 19-24, 20-24, or 28-24.

(2) At the time claimant filed his initial application for benefits, the Department notified claimant that he was required to register for work in the iMatchSkills website and attend an orientation with WorkSource Oregon staff within 14 days. The Department also notified claimant that he must verify his identity in order to be eligible for benefits. The Unemployment Insurance Claimant Handbook (revision 12, January 5, 2019) (hereinafter “Claimant Handbook”), made available to claimant when he filed his initial claim for benefits using Frances Online, stated each of these requirements.² Claimant had previously registered for work in iMatchSkills when he claimed unemployment insurance benefits “many years ago” and knew of both requirements. Audio Record at 17:13.

(3) By May 6, 2024, claimant had not registered for work or verified his identity with the Department.

(4) On May 7, 2024, the Department issued decisions # L0003969902 and L0003951288. The same day, claimant filed a request for hearing on each decision, stating as his reason for appealing, “I never received steps on how to complete this step.” Order No. 24-UI-262547, Exhibit 1 at 4; Order No. 24-UI-262536, Exhibit 1 at 4.

(5) On July 17, 2024, claimant completed the work registration requirements and verified his identity at a WorkSource office.

CONCLUSIONS AND REASONS: Claimant failed to register for work during weeks 16-24 through 28-24 and failed to provide requested information during weeks 19-24 through 28-24. Claimant did not fail to register for work or fail to provide requested information during weeks 29-24 through 31-24.

² EAB has taken notice of this fact, which is contained in Employment Department records. OAR 471-041-0090(1). The handbook can be found at <https://unemployment.oregon.gov/uploads/docs/UIPUB350-EN.pdf>. 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.

Work registration. 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 exempted by 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.

OAR 471-030-0035 (January 11, 2018) provides, 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.

* * *

The Department requires that all claimants, except for those exempted for reasons inapplicable here, must register for work by completing or updating an iMatchSkills profile and attending an interview with WorkSource Oregon within 14 days of filing their initial claim for benefits. *See* Claimant Handbook at 24. As claimant filed his initial claim on April 19, 2024, the deadline to complete the work registration requirement was May 3, 2024. Claimant testified that he did not complete the requirement until July 17, 2024. Audio Record at 17:39. Claimant denied receiving mailed or electronic notices specifically directing him to complete the work registration requirement, and attributed this lack of notice to missing the registration deadline. Audio Record at 13:15. However, the record shows that claimant was aware of the registration requirement prior to the deadline.

Claimant’s testimony that he “reactivated” his iMatchSkills account “from many years ago” in July 2024 suggests that he had previously been required to register for work in connection with a claim for unemployment insurance benefits in Oregon, and was therefore familiar with the registration requirement. Audio Record at 17:15. Further, when claimant received decision # L000369902 on May 7, 2024, denying him benefits because he failed to register for work, he wrote in his request for hearing that day that his reason for appealing was, “I never received steps on how to complete this step.” Order

No. 24-UI-262547 Exhibit 1 at 4.³ It can be inferred from this statement and claimant’s previous work registration experience that, more likely than not, claimant was aware of the registration requirement when he filed his initial claim, but took no action to begin completing the requirements or seeking clarification from the Department. To the extent claimant asserted he was unaware of the “steps” to comply, the specifics of the registration requirement and the deadline for completing it were readily available to claimant in the Claimant Handbook from the time his initial claim for benefits was filed. Therefore, the record shows that claimant had notice of the work registration requirement but failed to complete it by the May 3, 2024, deadline. Accordingly, claimant was ineligible to receive benefits for the weeks before the requirement was completed (weeks 16-24 through 28-24), but was eligible for the week in which it was completed and thereafter (weeks 29-24 through 31-24).

Identity verification. Under ORS 657.155(1)(b), in order to be eligible to receive benefits with respect to any week, an individual must make “a claim for benefits with respect to such week in accordance with ORS 657.260.” ORS 657.260(1) provides that claims for benefits shall be filed in accordance with such regulations as the Department may prescribe. OAR 471-030-0025 (January 11, 2018) states:

(1) With all claims, an individual shall furnish the Director with their social security number and other information required for processing their claim. Such information may include, but is not limited to, information pertaining to prior work history, separations from work, current work activity and earnings, licenses or permits held, self-employment, entitlement to pay and allowances of various kinds, work seeking activity, working restrictions, and working ability. With respect to work activity or self-employment during any week claimed, the information required may include the type of work activity, the amount of time devoted to such activity, the gross and net amount of compensation, remuneration, wages, commission, salary, or income, if any, received or expected to be received, and any other factors material to a determination of eligibility for benefits.

(2) The claimant is required to furnish such information required for processing their claim within the time frame provided by the Director or an authorized representative of the Employment Department. Unless the time frame is otherwise defined under Employment Department statute or rule, or is specifically directed otherwise by an authorized representative of the Employment Department, the claimant is required to respond to all requests for information within the following time frames:

(a) For requests for information by letter mailed to the address of record, the claimant shall have five (5) calendar days to respond from the date the letter was mailed. When responding by mail, the date of the response shall be the date of the postmark affixed by the United States Postal Service. In the absence of a postmarked date, the date of the response shall be the

³ Claimant initially testified that he thought that “a couple [other] issues going on” with his claim, including a challenge to his weekly benefit amount, might have been the reason for the issuance of decisions # L0003969902 and L0003951288, and that he was unaware of the work registration and identity verification requirements “until much later” than May 7, 2024, despite receiving the decisions on that date. Audio Record at 14:47 to 15:28. However, this is inconsistent with his explanation for requesting a hearing, which was, more likely than not, a reference to the multiple steps required to register for work and verify his identity. It is also inconsistent with his later testimony that he immediately received and disagreed with the administrative decisions, which each specified the respective reason for the denial of benefits. Audio Record at 15:40.

most probable date of mailing as determined by the Employment Department.

(b) For requests for information by telephone message, fax, email, or other electronic means, the claimant shall have 48 hours to respond.

The Department requires that “all new claimants” complete the identity verification process in order to receive unemployment insurance benefits. *See* Claimant Handbook at 34. Decision # L0003951288 denied claimant benefits effective week 19-24 for failing to complete this requirement. *See* Order No. 24-UI-262536, Exhibit 1 at 5. This suggests that the Department considered the deadline for providing identity information to have occurred during, or prior to, that week. Claimant testified that he did not complete the identity verification process until July 17, 2024. Audio Record at 17:39.

The record shows that claimant was generally aware of the identity verification requirement at the time he filed his initial claim, though he speculated that he may have been exempt from it because he had recently verified his identity to the Department in connection with a Paid Leave Oregon claim. *See* Audio Record at 11:08. Regarding his knowledge of the identity verification requirement, claimant testified, “I was familiar with that system before, so I was expecting something in the mail... and never received it.” Audio Record at 10:30. While claimant may not have been aware until he received decision # L0003951288 on May 7, 2024, that the deadline by which to verify his identity had passed, claimant did not show that he took any action toward completing the requirement during the remainder of the week of May 5, 2024, through May 11, 2024 (week 19-24). Claimant testified that he sent an online message to the Department “sometime in May,” but suggested that the message was primarily about his weekly benefit amount, and the correspondence that followed turned to the issues of work registration and identity verification sometime later, “in the beginning of July.” Audio Record at 12:09 to 12:54; 13:37 to 14:34. That correspondence led claimant to visit a WorkSource office on July 17, 2024, where he completed both requirements.

Therefore, the record shows that, as of week 19-24, claimant was generally aware of the identity verification requirement. Moreover, from receiving decision # L0003951288, claimant knew or should have known that the Department had specifically required him to provide identity information, that the deadline for submitting it occurred during or prior to week 19-24, and that the Department had not considered him exempt from the requirement due to his Paid Leave Oregon claim. Accordingly, claimant was on notice of the requirement and failed to provide information in accordance with the Department’s rules during weeks 19-24 through 28-24, but did not fail to provide information during weeks 29-24 through 31-24.

For these reasons, claimant failed to register for work during weeks 16-24 through 28-24 and failed to provide information during weeks 19-24 through 28-24. He is therefore ineligible to receive unemployment insurance benefits for those weeks. Claimant did not fail to register for work or fail to provide information during weeks 29-24 through 31-24 and is eligible to receive benefits for those weeks.

DECISION: Orders No. 24-UI-262547 and 24-UI-262536 are affirmed.

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

DATE of Service: September 5, 2024

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 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.

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