

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0647**

*Modified*  
*Eligible Weeks 18-24, 19-24, 21-24, and 22-24*  
*Ineligible Week 20-24*

**PROCEDURAL HISTORY:** On May 20, 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 for the week of April 28 through May 4, 2024 (week 18-24) and until the reason for the denial ended (decision # L0004173966). On June 10, 2024, decision # L0004173966 became final without claimant having filed a request for hearing.

On July 18, 2024, claimant filed a late request for hearing on decision # L0004173966. ALJ Kangas considered claimant's request, and on July 26, 2024 issued Order No. 24-UI-260465, dismissing claimant's request for hearing as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by August 9, 2024. On July 30, 2024, claimant filed a timely response to the appellant questionnaire. On August 14, 2024, the Office of Administrative Hearings (OAH) mailed a letter stating that Order No. 24-UI-260465 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 decision # L0004173966.

On August 30, 2024, ALJ Enyinnaya conducted a hearing at which the Department failed to appear. On September 6, 2024, ALJ Enyinnaya issued Order No. 24-UI-265120, allowing claimant's late request for hearing and modifying decision # L0004173966 by concluding that claimant failed to register for work in accordance with the Department's rules and was not eligible for benefits for the weeks from April 28 through May 18, 2024 (weeks 18-24 through 20-24), but had completed work registration and was eligible for benefits for the weeks from May 19 through June 1, 2024 (weeks 21-24 through 22-24). On September 9, 2024, claimant filed an application for review of Order No. 24-UI-260465 with the Employment Appeals Board (EAB).

EAB considered the entire hearing record. EAB agrees with the portion of Order No. 24-UI-265120 allowing claimant's late request for hearing. Pursuant to ORS 657.275(2), that portion of Order No. 24-

UI-265120 is **adopted**. The remainder of this decision concerns claimant's eligibility for benefits based upon whether he failed to register for work in accordance with the Department's rules.

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

**FINDINGS OF FACT:** (1) On May 2, 2024, claimant filed an initial claim for unemployment insurance benefits, and the Department determined claimant had a monetarily valid claim. Shortly thereafter, claimant claimed benefits for the week of April 28 through May 4, 2024 (week 18-24).

(2) On or about May 4, 2024, claimant received a letter from the Department that notified him that to be eligible for benefits he was required to register for work by completing the Department's iMatchSkills registration and an orientation with WorkSource Oregon by May 17, 2024.

(3) On May 6, 2024, claimant received another letter from the Department. This letter stated that claimant had been "approved for benefits" and given waiting week credit for week 18-24. Transcript at 23. The statements in the waiting week letter caused claimant to mistakenly believe that he had completed all required work registration tasks and that the Department considered him to be registered for work. However, claimant had not yet registered for work because he had not completed the Department's iMatchSkills registration and an orientation with WorkSource Oregon.

(4) Rather than give claimant waiting week credit for week 18-24, the Department paid claimant for that week. Claimant also claimed benefits for the week of May 5 through 11, 2024 (week 19-24). The Department paid claimant for week 19-24.

(5) On May 17, 2024, the deadline for claimant to complete his work registration passed. Claimant was not registered for work at that time because he believed he had completed all required work registration tasks and that the Department considered him to be registered for work. Shortly thereafter, claimant claimed benefits for the week of May 12 through 18, 2024 (week 20-24). The Department did not pay claimant benefits for that week.

(6) On May 20, 2024, claimant received decision # L0004173966 electronically through his Frances Online account. Claimant read the administrative decision and realized that he had not completed all required work registration tasks, and that the Department did not consider him to be registered for work. The next day, May 21, 2024, claimant visited his local WorkSource Oregon office and registered for work by completing the Department's iMatchSkills registration and an orientation with WorkSource.

(7) Thereafter, claimant claimed benefits for the weeks from May 19 through June 1, 2024 (weeks 21-24 through 22-24). The Department paid claimant for those weeks. All told, claimant claimed weeks 18-24 through 22-24. These are the weeks at issue. The Department paid claimant for weeks 18-24, 19-24, 21-24, and 22-24. The Department did not pay claimant for week 20-24.

(8) After the weeks at issue, the Department determined that it had paid claimant for week 18-24 in error because claimant should have received waiting week credit for that week. The Department further determined that it paid claimant for the following week, week 19-24, in error because week 19-24 should have served as claimant's waiting week due to the fact that week 18-24 had been erroneously paid. The Department assessed an overpayment against claimant for weeks 18-24 and 19-24 and referred

the matter to collections. However, in mid-August 2024, an investigator from the Department's benefit payment control division reviewed the matter, and determined that weeks 18-24 and 19-24 had been "paid out in error." Exhibit 2 at 2. The investigator determined that the overpayment should be reversed and "submitted an escalation notice to have collections stopped and reimbursement reviewed." Exhibit 2 at 2.

(9) On September 6, 2024, ALJ Enyinnaya issued Order No. 24-UI-265120, which modified decision # L0004173966 by concluding that claimant failed to register for work in accordance with the Department's rules and was not eligible for benefits for weeks 18-24 through 20-24, but had completed work registration and was eligible for benefits for weeks 21-24 through 22-24. On September 9, 2024, claimant filed an application for review of Order No. 24-UI-265120 with EAB.

(10) Also on September 9, 2024, the Department determined that it would amend or withdraw decision # L0004173966, stating in a note contained in Department records that, "Due to management directive, we are reversing this denial to allow payments for the weeks at issue."<sup>1</sup>

**CONCLUSIONS AND REASONS:** Claimant did not register for work in accordance with the Department's rules and therefore was ineligible for benefits for the week of May 12 through 18, 2024 (week 20-24), subject to the Department's discretion to amend or withdraw decision # L0004173966 and allow benefits for that week. However, claimant was not ineligible for benefits on this basis for the weeks from April 28 through May 11, 2024 (weeks 18-24 through 19-24), and the weeks from May 19 through June 1, 2024 (weeks 21-24 through 22-24).

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.

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<sup>1</sup> 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.

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.

\* \* \*

The Department paid claimant benefits for weeks 18-24, 19-24, 21-24, and 22-24, and therefore has the burden to prove that benefits should not have been paid for those weeks. Because the Department did not pay claimant benefits for week 20-24, claimant has the burden to show that he was eligible for benefits for that week. *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 because claimant was not registered for work in accordance with the Department's rules during weeks 18-24, 19-24, and 20-24, he was not eligible for benefits for those weeks. Order No. 24-UI-265120 at 4. The order concluded that since claimant completed work registration on May 21, 2024, he was eligible for benefits for weeks 21-24 and 22-24. Order No. 24-UI-265120 at 4. However, the record shows that claimant was eligible for benefits for weeks 18-24, 19-24, 21-24, and 22-24, if otherwise eligible, but was not eligible for benefits for week 20-24, subject to the Department's discretion to amend or withdraw decision # L0004173966 and allow benefits for that week. The order under review is therefore modified.

The Department notified claimant by letter that he needed to complete his iMatchSkills registration and orientation with WorkSource Oregon by May 17, 2024. Claimant received this notification, but did not initially complete the registration steps because, on May 6, 2024, he received another letter from the Department stating that he had been "approved for benefits" and given waiting week credit for week 18-24, which caused claimant to mistakenly believe that he had completed all required work registration tasks, and that the Department considered him to be registered for work. On May 17, 2024, the deadline for claimant to complete his work registration passed, and he was not registered for work at that time. However, on May 20, 2024, claimant received decision # L0004173966 and realized that that he had not completed all required work registration tasks, and that the Department did not consider him to be registered for work. The next day, May 21, 2024, claimant visited his local WorkSource Oregon office and registered for work by completing the Department's iMatchSkills registration and an orientation with WorkSource.

Applying these facts, claimant was not ineligible for benefits for failing to register for work as to weeks 18-24 and 19-24 because those weeks, the weeks of April 28, 2024, through May 11, 2024, preceded the May 17, 2024, deadline by which claimant was required to register. Because the weeks occurred before the deadline to register, claimant's incomplete work registration status during those weeks was

consistent with the Department's work registration rules. Claimant therefore was eligible for benefits for weeks 18-24 and 19-24, if otherwise eligible.

As to week 20-24, however, claimant's work registration status was not in accordance with the Department's rules. During that week, the week of May 12 through 18, 2024, the May 17, 2024, deadline by which claimant was required to register passed and claimant was not in compliance. Claimant therefore was ineligible for benefits for week 20-24.

Claimant mistakenly believed, based on the May 6, 2024, waiting week letter, that he had completed all required work registration tasks and that the Department considered him to be registered for work. While claimant's misunderstanding is regrettable, it is not material to the analysis because there is no "good cause" exception to the Department's work registration requirements in the applicable administrative rules or statutes. Accordingly, claimant was ineligible for benefits for week 20-24. Note, however, that claimant's ineligibility for week 20-24 is subject to the Department's discretion to amend or withdraw decision # L0004173966 and allow benefits for that week.

As for weeks 21-24 and 22-24, claimant was not ineligible for benefits for failing to register for work. This is so because, on May 21, 2024, the Tuesday of week 21-24, claimant visited his local WorkSource Oregon office and completed his work registration. Claimant therefore was compliant with the Department's work registration rules for weeks 21-24 and 22-24, and was eligible for benefits for those weeks, if otherwise eligible.

For these reasons, Order No. 24-UI-265120 is modified. Claimant is eligible for benefits for weeks 18-24, 19-24, 21-24, and 22-24, if otherwise eligible. Claimant is not eligible for benefits for week 20-24, subject to the Department's discretion to amend or withdraw decision # L0004173966 and allow benefits for that week.

Finally, it is warranted to make two additional points. First, the record shows that it was agency error on the part of the Department to pay claimant for weeks 18-24 and 19-24 given that an investigator from the Department's benefit payment control division reviewed the matter, and determined that weeks 18-24 and 19-24 had been "paid out in error," and that the overpayment should be reversed and "collections stopped[.]" Exhibit 2 at 2.

Second, Department records show that the Department intends to reverse "the denial to allow payments for the weeks at issue." Claimant's ineligibility for benefits for week 20-24 is subject to the Department's discretion to amend or withdraw decision # L0004173966 and allow benefits for that week. This decision does **not** preclude the Department from amending decision # L0004173966 to allow benefits for the weeks at issue, including week 20-24.

**DECISION:** Order No. 24-UI-265120 is modified, as outlined above.

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

**DATE of Service: October 3, 2024**

**NOTE:** This decision modifies an order that denied benefits in part. 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.

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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.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**  
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