

EMPLOYMENT APPEALS BOARD DECISION
2024-EAB-0657

Modified
Eligible Week 32-24
Ineligible Weeks 33-24 through 36-24

PROCEDURAL HISTORY: On August 15, 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 therefore was ineligible to receive unemployment insurance benefits for the week of November 5, 2023, through November 11, 2023 (week 45-23), and until the reason for the denial had ended (decision # L0005614365). Claimant filed a timely request for hearing. On September 12, 2024, ALJ Janzen conducted a hearing, at which the Department failed to appear, and on September 13, 2024, issued Order No. 24-UI-266018, modifying decision # L0005614365 by concluding that claimant failed to register for work and was therefore ineligible to receive benefits for the weeks of August 4, 2024, through September 7, 2024 (weeks 32-24 through 36-24). On September 16, 2024, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) On or about October 8, 2023, claimant filed an initial claim for unemployment insurance benefits. The Department determined claimant had a monetarily valid claim for regular unemployment insurance benefits.

(2) In late October 2023, the Department mailed claimant a letter 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 November 7, 2023. Claimant received the Department's letter in the first week of November 2023, before the November 7, 2023, deadline.

(3) Claimant was aware of the November 7, 2023, deadline to complete the iMatchSkills registration and orientation with WorkSource Oregon. However, he did not plan to claim unemployment insurance benefits in the near term because he planned to claim workers' compensation benefits.

(4) After receiving the Department's letter but before the deadline, claimant called the Department and inquired whether he needed to complete the registration steps given that he did not plan to claim unemployment insurance benefits in the near term. A Department representative told claimant that he

“didn’t need to do anything at this moment in time because [he] wasn’t going to be claiming at that moment in time.” Audio Record at 17:13. The representative stated that the iMatchSkills registration and orientation with WorkSource Oregon were not “relevant to [claimant] until [he] needed to start claiming.” Audio Record at 16:56. The representative stated that when claimant began claiming, completing the registration steps “would be something that would be addressed.” Audio Record at 17:26. Based on the representative’s statements, claimant made the “assumption . . . that . . . if [he] needed to do new requirements when [he] started claiming . . . , that he would be sent a letter.” Audio Record at 18:58.

(5) Claimant did not complete the required work registration steps. In August 2024, claimant decided to begin claiming weeks of unemployment insurance benefits. Claimant claimed benefits for the week of August 4, 2024, through August 10, 2024 (week 32-24). The Department denied benefits for that week because of claimant’s incomplete work registration. Although the Department gave claimant a general notification that it had denied benefits for that week, it did not send claimant a letter informing him that his work registration steps remained incomplete and were the basis of the denial, as claimant had assumed it would.

(6) On August 15, 2024, the Department issued decision # L0005614365, which indicated that claimant was subject to an ongoing denial of benefits because he had failed to complete the “Welcome Process” *i.e.*, the work registration steps, by November 7, 2023. Exhibit 1 at 1. Decision # L0005614365 did not advise that if claimant completed the work registration steps the ongoing denial would end and weeks claimed after week 32-24 would not be denied on that basis. After receiving decision # L0005614365 shortly after it was issued, claimant called the Department and used Frances Online to message it for clarification, but was informed only of his right to appeal decision # L0005614365, and not informed that he could complete the work registration steps and prevent denial of future weeks claimed on that basis. Claimant timely appealed decision # L0005614365 and continued making weekly claims for benefits, which were denied.

(7) Claimant claimed benefits for the weeks including August 4, 2024, through September 7, 2024 (weeks 32-24 through 36-24). These are the weeks at issue. The Department did not pay claimant benefits for the weeks at issue.

CONCLUSIONS AND REASONS: Claimant did not register for work in accordance with the Department’s rules and therefore was ineligible for benefits for the weeks of August 11, 2024, through September 7, 2024 (weeks 33-24 through 36-24). However, claimant was not ineligible to receive benefits on this basis for the week of August 4, 2024, through August 10, 2024 (week 32-24).

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.

* * *

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 he 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 because claimant was not registered for work in accordance with the Department’s rules during the weeks at issue, claimant was not eligible to receive benefits for those weeks. Order No. 24-UI-266018 at 4. However, the record shows that claimant is eligible to receive benefits for week 32-24, if otherwise eligible, but is not eligible to receive benefits for weeks 33-24 through 36-24. 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 November 7, 2023. Claimant received this notification, but did not complete these registration steps because, at the time he received the Department’s notification, he planned to claim workers’ compensation benefits and did not intend to claim unemployment insurance benefits. Shortly before the November 7, 2023, deadline, claimant called the Department and a representative stated that the iMatchSkills registration and orientation with WorkSource Oregon were not “relevant to [claimant] until [he] needed to start claiming.” Audio Record at 16:56. The representative stated that when claimant began claiming, completing the registration steps “would be something that would be addressed.” Audio Record at 17:26. Claimant then made the “assumption . . . that . . . if [he] needed to do new requirements when [he] started claiming . . . , that he would be sent a letter.” Audio Record at 18:58. Claimant therefore did not complete the work registration steps.

Claimant claimed a week of unemployment insurance benefits approximately nine months later, when he claimed the week of August 4, 2024, through August 10, 2024 (week 32-24). Although claimant assumed that when he decided to begin claiming weeks of unemployment insurance benefits, the Department would send him a new letter informing him that his work registration steps needed to be completed, that did not occur. Claimant was denied benefits for week 32-24 because his work registration steps remained incomplete. Claimant received decision # L0005614365 shortly after August 15, 2024, and then called the Department and used Frances Online to message it for clarification. However, he was not informed that he could complete the work registration steps and prevent denial of future weeks claimed on that basis. Claimant ultimately claimed the weeks of August 4, 2024, through September 7, 2024 (weeks 32-24 through 36-24), and was denied benefits for each of those weeks. As of the date of the September 12, 2024, hearing in this matter, claimant still had not completed his iMatchSkills registration and orientation with WorkSource Oregon. Audio Record at 14:17, 16:22.

It is unfortunate that claimant was not urged to complete his work registration during his call with the Department in November 2023. It is also regrettable that the point was not conveyed to claimant, either in decision # L0005614365 or during his efforts to call and message the Department in August 2024, that he could complete the work registration steps and prevent denial of future weeks claimed on that basis.

However, decision # L0005614365 was issued August 15, 2024, and the first week at issue was the week of August 4, 2024, through August 10, 2024 (week 32-24). Claimant cannot be deemed ineligible for his failure to register for work for week 32-24 given the passage of time since the November 7, 2023, deadline letter and the fact that claimant was not placed back on notice of the requirement to register for work until he received decision # L0005614365. Therefore, claimant is eligible to receive benefits for week 32-24, if otherwise eligible.

As to the remaining weeks at issue, weeks 33-24 through 36-24, claimant was on notice of the requirement to complete the “Welcome Process” *i.e.*, work registration, via receipt of decision # L0005614365. Exhibit 1 at 1. As of the September 12, 2024, hearing in this matter, claimant still had not completed his iMatchSkills registration and orientation with WorkSource Oregon. Because claimant was not registered for work in accordance with the Department’s rules during these weeks, claimant is not eligible to receive benefits for them under ORS 657.155(1)(a).

Accordingly, Order No. 24-UI-266018 is modified. Claimant is eligible to receive benefits for week 32-24, if otherwise eligible. Claimant is not eligible to receive benefits for weeks 33-24 through 36-24.

Claimant is urged to complete his iMatchSkills registration and orientation with WorkSource Oregon without delay, even if he does not anticipate claiming benefits. Claimant may wish to visit his local WorkSource office for information on how to complete the work registration steps.

DECISION: Order No. 24-UI-266018 is modified, as outlined above.

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

DATE of Service: October 1, 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.surveymzmo.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 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
 Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711
www.Oregon.gov/Employ/eab

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.