

**EMPLOYMENT APPEALS BOARD DECISION**  
**2024-EAB-0748**

*Reversed*  
*Eligible Weeks 25-24 through 34-24*

**PROCEDURAL HISTORY:** On July 9, 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 December 24, 2023 (decision # L0005014092). Claimant filed a timely request for hearing. On October 11, 2024, ALJ Micheletti conducted a hearing at which the Department failed to appear, and on October 15, 2024, issued Order No. 24-UI-269272, affirming decision # L0005014092. On October 22, 2024, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) On October 18, 2023, claimant filed an initial claim for unemployment insurance benefits. The Department determined that the claim was valid with a weekly benefit amount (WBA) of \$636. Claimant claimed benefits for the weeks from September 3 through December 16, 2023 (weeks 36-23 through 50-23). The Department did not pay benefits for these weeks. Claimant did not claim benefits for the weeks of December 17, 2023, through June 15, 2024 (51-23 through 24-24).<sup>1</sup>

(2) On December 11, 2023, the Department mailed claimant a letter stating that she was required to complete a work registration process that included attending a welcome interview at a WorkSource office by December 26, 2023. Claimant was aware of this requirement prior to the deadline. However, claimant had accepted an offer of work and did not plan to claim benefits for any period after December 16, 2023. Claimant therefore chose not to attend the welcome interview.

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<sup>1</sup> EAB has taken notice of these facts which are contained in Employment Department records. OAR 471-041-0090(1) (May 13, 2019). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the noticed facts will remain in the record.

(3) On June 27, 2024, claimant filed an additional claim for benefits following a new work separation, and claimed benefits for the weeks from June 16 through August 17, 2024 (weeks 25-24 through 34-24). These are the weeks at issue. The Department did not pay claimant benefits for the weeks at issue.<sup>2</sup>

(4) On July 9, 2024, decision # L0005014092 was mailed to claimant, stating that she was ineligible for benefits effective December 24, 2023, due to her failure to attend the welcome interview by the December 26, 2023, deadline. Neither the December 11, 2023, letter nor decision # L0005014092 stated what claimant could do to maintain benefit eligibility in the event she stopped claiming benefits prior to the welcome interview deadline due to securing new employment, then later had reason to file an additional claim after the welcome interview deadline passed. As of August 17, 2024, claimant had not attended the welcome interview.

**CONCLUSIONS AND REASONS:** Claimant is not ineligible for benefits for the weeks at issue as a result of failing to register 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(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) 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.

\* \* \*

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

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<sup>2</sup> EAB has taken notice of these facts which are contained in Employment Department records. Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating why they object, within ten days of EAB mailing this decision. OAR 471-041-0090(2). Unless EAB receives and agrees with the objection, the noticed facts will remain in the record.

soon as possible following, the filing of an initial claim for unemployment insurance benefits. Entry of this information shall constitute enrollment.

\* \* \*

OAR 471-030-0040 (January 11, 2018) provides:

(1) As used in these rules, unless the context requires otherwise:

\* \* \*

(b) An “initial claim” is a new claim that is a certification by a claimant completed as required by OAR 471-030-0025 to establish a benefit year or other eligibility period;

(c) “Additional claim” is a claim certification by a claimant completed as required by OAR 471-030-0025 that restarts a claim during an existing benefit year or other eligibility period and certifies to the end of a period of employment;

(d) “Reopened claim” is a certification by a claimant completed as required by OAR 471-030-0025 that restarts a claim during an existing benefit year or other eligibility period and certifies that there was no employment in any week since last reporting on this claim;

\* \* \*

On December 11, 2023, a letter was mailed to claimant stating that as part of the work registration process, she was required to attend a welcome interview at a WorkSource office by December 26, 2023. The record shows that although claimant had claimed benefits for the weeks from September 3 through December 16, 2023, she had not been paid any benefits at the time the letter was sent. Claimant testified that she was aware of the work registration requirement prior to the deadline for completing it, but did not attend the welcome interview because she had already secured new employment and did not intend to claim any further benefits at that time. Audio Record at 4:41, 5:56. Claimant did not claim benefits between December 17, 2024, and June 15, 2024, a period of approximately six months. The order under review concluded that claimant was ineligible for benefits for the weeks at issue because she was on notice of the welcome interview requirement and “had no basis” to believe that failing to complete it by the deadline would not affect her eligibility for benefits on a later additional claim. Order No. 24-UI-269272 at 3. The record does not support this conclusion.

The Department is authorized under OAR 471-030-0035(1) to require a claimant to attend a welcome interview as part of the registration process, regardless of whether benefits were claimed under an initial or additional claim. However, the record fails to show that the Department gave claimant adequate notice of the requirement’s applicability to an additional claim if she failed to attend the interview during the initial claim. Claimant testified that in June 2024 she became unemployed and filed what she believed was a “new” initial claim for benefits, and further believed that her October 18, 2023, initial claim had been denied since she never received benefits on it. Audio Record at 3:33. Given that

claimant's actual initial claim for benefits had been effective September 3, 2023, no benefits had been paid on the claim, and claimant had stopped claiming benefits more than six months earlier, claimant's mistaken belief that on June 27, 2024, she was filing a new initial claim rather than an additional claim under an existing benefit year is understandable. These circumstances led to claimant's reasonable but mistaken belief that failing to complete the welcome interview by December 26, 2023, would not affect her eligibility for benefits for the weeks at issue.

Claimant was on notice of the welcome interview requirement as stated in the December 11, 2023, letter with regard to the initial claim. Because claimant secured employment prior to the deadline stated in the letter and did not intend to claim benefits for the week in which the deadline was to occur or thereafter, she chose not to attend the interview. After the December 26, 2023, deadline passed, the record suggests that the Department did not attempt to communicate with claimant again about the welcome interview until decision # L0005014092 was issued on July 9, 2024. The Department therefore had failed to notify claimant that to be eligible for benefits on an additional claim she would have to attend the welcome interview despite the deadline having passed. Further, as decision # L0005014092 stated that it denied claimant benefits indefinitely based on her past failure to comply with the requirement by December 26, 2023, the administrative decision also failed to provide notice that claimant could end the ineligibility period at any time by attending the interview after the deadline. Accordingly, claimant did not have adequate notice of what was required of her to maintain eligibility for benefits for the weeks at issue with regard to the welcome interview.

For these reasons, claimant is not ineligible for benefits for the weeks from June 16 through August 17, 2024 (weeks 25-24 through 34-24) on the basis of her past failure to complete a welcome interview.<sup>3</sup>

**DECISION:** Order No. 24-UI-269272 is set aside, as outlined above.

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

**DATE of Service:** November 15, 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 stated above.** See ORS 657.282. For forms and information, visit <https://www.courts.oregon.gov/courts/appellate/forms/Pages/appeal.aspx> and choose the appropriate form under "File a Petition for Judicial Review." You may also contact the Court of Appeals by telephone at (503) 986-5555, by fax at (503) 986-5560, or by mail at 1163 State Street, Salem, Oregon 97301.

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<sup>3</sup> The Department's records suggest that on July 9, 2024, the Department also issued decision # L0005020056, denying benefits for the weeks at issue for failure to provide identity verification information. Benefits will not be paid for the weeks at issue as long as the ineligibility period imposed in that decision remains in effect. If claimant intended her request for hearing to also apply to that administrative decision, she may wish to clarify that with the Department or Office of Administrative Hearings (OAH) as soon as possible, or file a late request for hearing on that matter.

you are unable to complete the survey online and wish to have 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**  
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