

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0091

Affirmed
Ineligible for Self-Employment Assistance Program

PROCEDURAL HISTORY: On December 12, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not eligible for benefits under the Self-Employment Assistance (SEA) program (decision # L0007660674). Claimant filed a timely request for hearing. On January 21, 2025, ALJ Lucas conducted a hearing, and on January 24, 2025, issued Order No. 25-UI-280949, modifying decision # L0007660674 by concluding that claimant was not eligible for SEA benefits for the weeks of November 3, 2024, through November 16, 2024 (weeks 45-24 through 46-24).¹ On February 13, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

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. EAB considered any parts of claimant's argument that were based on the hearing record.

FINDINGS OF FACT: (1) On November 7, 2024, claimant filed an initial claim for unemployment insurance benefits, effective November 3, 2024. On November 13, 2024, claimant applied for the SEA program, as he was working on starting a consulting business. Claimant subsequently claimed benefits under the SEA program for the weeks of November 3, 2024, through November 16, 2024 (weeks 45-24 through 46-24). These are the weeks at issue. The Department did not pay claimant benefits for the weeks at issue.

(2) On December 2, 2024, the Department issued decision # L0007498721, concluding that claimant voluntarily quit work without good cause and was disqualified from receiving benefits effective November 3, 2024, through November 1, 2025. Exhibit 1 at 1. On January 24, 2025, after a hearing on

¹ Although Order No. 25-UI-280949 stated it affirmed decision # L0007660674, it modified that decision by changing the dates of ineligibility to weeks 45-24 through 46-24. Order No. 25-UI-280949 at 5.

the work separation, ALJ Lucas issued Order No. 25-UI-280917, modifying decision # L0007498721 by concluding that claimant voluntarily quit work without good cause and was disqualified from receiving benefits effective September 29, 2024. Exhibit 2 at 4. EAB reviewed Order No. 25-UI-280917 and subsequently issued EAB Decision 2025-EAB-0090, affirming Order 25-UI-280917.²

CONCLUSIONS AND REASONS: Claimant was not eligible for SEA benefits for the weeks at issue.

ORS 657.158(1)(b) authorizes the Department to provide self-employment assistance to such individuals for the purpose of enabling them to “establish a business and become self-employed.” Individuals eligible for self-employment assistance are entitled to a “Self-employment assistance allowance,” which means “an amount, payable in lieu of regular benefits . . . to an individual participating in self-employment assistance activities[.]” ORS 657.158(1)(c).

Under ORS 657.158(3), with some exceptions, “The self-employment assistance allowance is payable to an individual at the same intervals and on the same terms and conditions as regular benefits under” ORS Chapter 657. This includes disqualification from receiving benefits under ORS 657.176(2)(c) for voluntarily leaving work without good cause.

As addressed in EAB Decision 2025-EAB-0090, claimant voluntarily left work without good cause. As a result, under ORS 657.176(2)(c), claimant was disqualified from receiving benefits effective September 29, 2024. This disqualification is effective until claimant requalifies by earning four times his weekly benefit amount in subject employment. ORS 657.176(2). The record does not show that claimant requalified for benefits prior to or during either of the weeks at issue. Therefore, pursuant to ORS 657.158(3), claimant’s disqualification for voluntarily leaving work without good cause prevents him from receiving SEA benefits for the weeks at issue.

DECISION: Order No. 25-UI-280949 is affirmed.

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

DATE of Service: March 11, 2025

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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² EAB has taken notice of these facts, which contained in Employment Department records. OAR 471-041-0090(1). 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.

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 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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