

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0318

Modified
Request to Reopen Allowed
Eligible Week 42-24

PROCEDURAL HISTORY: On November 6, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to actively seek work from October 13 through 19, 2024 (week 42-24) and was ineligible for benefits for that week (decision # L0007084308). Claimant filed a timely request for hearing. On November 18, 2024, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for December 3, 2024. On December 3, 2024, claimant failed to appear at the hearing, and on December 5, 2024, ALJ Monroe issued Order No. 24-UI-275774, dismissing claimant's request for hearing due to his failure to appear. On December 16, 2024, claimant filed a timely request to reopen the hearing. On December 18, 2024, OAH mailed a letter stating that Order No. 24-UI-275774 was vacated, and that a new hearing would be scheduled on whether to allow claimant's request to reopen and, if so, the merits of decision # L0007084308. On May 15, 2025, ALJ Murray conducted a hearing at which the Department failed to appear, and on May 16, 2025, issued Order No. 25-UI-292566, allowing claimant's request to reopen the December 3, 2024, hearing and affirming decision # L0007084308. On June 2, 2025, claimant filed an application for review of Order No. 25-UI-292566 with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). Claimant's argument contained information that was not part of the hearing record, but the information is relevant and material, and is necessary to complete the record. See ORS 657.275(2) and OAR 471-041-0090(1). The information has been marked and admitted as EAB Exhibit 1. Any party that objects to EAB admitting EAB Exhibit 1 must send their objection to EAB in writing, explaining 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 exhibit will remain in the record.

PARTIAL ADOPTION: EAB considered the entire hearing record, including witness testimony and any exhibits admitted as evidence. EAB agrees with the part of Order No. 25-UI-292566 allowing claimant's request to reopen the December 3, 2024, hearing. That part of Order No. 25-UI-292566 is **adopted**. See ORS 657.275(2).

FINDINGS OF FACT: (1) On October 25, 2024, claimant filed an initial claim for benefits. The Department determined claimant's weekly benefit amount to be \$592.

(2) Claimant subsequently filed a weekly claim for benefits for the week of October 13 through 19, 2024. This is the week at issue. The Department did not pay claimant benefits for the week at issue.

(3) During the week at issue, claimant sought work in various industries in which he had skills or experience. On October 14, claimant contacted Olympia Forest Products to inquire about a job opening. EAB Exhibit 1 at 13. On October 15, 2024, claimant visited a WorkSource Oregon office, where he both made copies of his resumés to provide to employers and looked for jobs online. EAB Exhibit 1 at 13. On October 17, 2024, claimant contacted Rich's Volvos Only to inquire about a job opening. Exhibit 3 at 41. On October 18, 2024, claimant looked for jobs online. Exhibit 3 at 41.

CONCLUSIONS AND REASONS: Claimant actively sought work during the week at issue.

To be eligible for benefits, unemployed individuals must be able to work, available for work, and actively seek work during each week claimed. ORS 657.155(1)(c). With few exceptions that do not apply here, to be actively seeking work as required under ORS 657.155(1)(c), an individual "must conduct at least five work-seeking activities per week," with two of the five work-seeking activities being a direct contact with an employer who might hire the individual. OAR 471-030-0036(5)(a) (March 25, 2022). "Direct contact" means "making contact with an employer in person, by phone, mail, or electronically to inquire about a job opening or applying for job openings in the manner required by the hiring employer." OAR 471-030-0036(5)(a)(B).

The order under review concluded that claimant did not actively seek work during the week at issue, and therefore was not eligible for benefits for that week, because claimant "contacted two potential employers... [but] performed no other job seeking activities during this period." Order No. 25-UI-292566 at 4. The record does not support this conclusion. The record instead shows that, in addition to making at least two direct contacts with employers who might have hired him, claimant also performed at least three other work-seeking activities that week. These consisted of making copies of his resumé and, on two separate occasions, looking for jobs online. Claimant therefore met the requirement to actively seek work during the week at issue, and is eligible for benefits for that week.

DECISION: Order No. 25-UI-292566 is modified, as outlined above.

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

DATE of Service: July 8, 2025

NOTE: This decision reverses the ALJ's order denying claimant benefits. Please note that in most cases, payment of benefits owed will take about 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 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.

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>. If 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 دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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