

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0756

*Affirmed
Ineligible Week 34-25*

PROCEDURAL HISTORY: On September 3, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work during the week of August 17 through 23, 2025 (week 34-25) and was ineligible for benefits for that week (decision # L0012727729). Claimant filed a timely request for hearing. On November 13, 2025, ALJ Hall conducted a hearing, and on November 21, 2025, issued Order No. 25-UI-311879, affirming decision # L0012727729. On December 7, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) On August 21, 2025, claimant filed an initial claim for benefits that the Department determined was monetarily valid. Claimant claimed benefits for the week of August 17, through 23, 2025 (week 34-25). This is the week at issue. The Department did not pay benefits for the week at issue.

(2) By early July 2025, claimant's full-time employer had notified her and several other employees that they would be furloughed from August 18, 2025 through September 15, 2025. However, by August 15, 2025, the employer had told claimant that her furlough would instead last from August 18, 2025 through October 1, 2025, more than six weeks. The furlough took place as anticipated.

(3) Claimant did not conduct any work-seeking activities during week 34-25 because her employer advised in the initial furlough notice that the Department's rules exempted the furloughed employees from this requirement. When the employer later told claimant that her specific furlough would last for greater than four weeks, they failed to tell her that the standard work-seeking requirement applied to her circumstances. Claimant remained in contact with her employer during week 34-25, and was capable of accepting and reporting for work that week, if offered.

CONCLUSIONS AND REASONS: Claimant did not actively seek work during the week at issue.

To be eligible to receive benefits, unemployed individuals must actively seek work during each week claimed. ORS 657.155(1)(c). For individuals who are temporarily unemployed, OAR 471-030-0036(5)(b) (March 21, 2022) defines “actively seeking work” as follows:

- (A) They are considered to be actively seeking work when they remain in contact with their regular employer and are capable of accepting and reporting for any suitable work with that employer;
- (B) There is a reasonable expectation that they will be returning to work for their regular employer. The work the individual is returning to must be full time or pay an amount that equals or exceeds their weekly benefit amount;
- (C) The department will not consider the individual to be temporarily unemployed if they were separated from their employer for reasons other than a lack of work, the work the individual is returning to is not with their most recent employer, or the length the individual is unemployed is longer than the period described in subsection (D) of this section; and
- (D) The department will consider that the period for which an individual is temporarily unemployed:
 - (i) Begins the last date the individual performed services for the employer. In the case of an individual still working for the employer, it is the last date worked during the week in which the individual had earnings less than their weekly benefit amount; and
 - (ii) Cannot be greater than four weeks between the week the individual became temporarily unemployed and the week the individual returns to work as described in subsection (B) of this section.

If a claimant does not meet the criteria to be considered “temporarily unemployed” under OAR 471-030-0036(5)(b), 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). “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).

Claimant did not assert that she conducted any work-seeking activities during the week at issue, and whether she was actively seeking work under the rule therefore depends on whether she met the criteria to be considered “temporarily unemployed” under OAR 471-030-0036(5)(b). The record shows that claimant maintained contact with her employer during the week at issue and was capable of accepting and reporting for work. The record also shows that claimant reasonably expected to return to her full-time work with the same employer, under the same terms of employment, and that the furlough was due to lack of work.

However, OAR 471-030-0036(5)(b)(C) states, “The department will not consider the individual to be temporarily unemployed if . . . the length the individual is unemployed is longer than the period described in subsection (D) of this section,” and OAR 471-030-0036(5)(b)(D)(ii) provides that “the period for which an individual is temporarily unemployed . . . [c]annot be greater than four weeks between the week the individual became temporarily unemployed and the week the individual returns to work[.]” The employer informed claimant prior to commencement of the furlough that it would last from August 18, 2025 through October 1, 2025, which is greater than four weeks, and the furlough took place as scheduled. As such, claimant did not meet the criteria to be considered “temporarily unemployed” under OAR 471-030-0036(5)(b). While it is unfortunate that claimant received inaccurate or incomplete information from her employer about eligibility requirements to receive benefits, the rule contains no “good cause” exception to the requirement that a claimant actively seek work. Accordingly, claimant did not actively seek work during week 34-25, and is ineligible for benefits for that week.

DECISION: Order No. 25-UI-311879 is affirmed.

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

DATE of Service: January 13, 2026

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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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 – 本判决会影响您的失业救济金。如果您不明白本判决, 请立即联系就业上诉委员会。如果您不同意此判决, 您可以按照该判决结尾所写的说明, 向俄勒冈州上诉法院提出司法复审申请。

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 naaiintindihan 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 – សេចក្តីសម្រាប់នោនដិលប៉ះពាល់ដិលអត្ថប្រយោជន៍គ្នានករោងធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រាប់នោន គួរតាកំឡុងគោលការងារខ្លួនរបស់គ្នាបាន ក្នុងការខ្ចោនរបស់គ្នាបាន ក្នុងការងារខ្លួន។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រាប់នោនទេ លោកអ្នកអារ៉ាការណ៍ការងារខ្លួននឹងត្រូវបានការពារនិភ័យដើម្បីដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរស់នៅខាងចុងបញ្ហាប់នៃសេចក្តីសម្រាប់នោន។

Laotian

ເອົາໃຈໃສ່ – ຄຳຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄຳຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກໍາມະການອຸທອນການຈ້າງງານໃນທັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນຄຳຕັດສິນນີ້, ທ່ານສາມາດຢືນຄໍາຮ້ອງຂໍການທີບທວນຄຳຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນຳທີ່ບອກໄວ້ຢ່າງເອົາໃຈໃສ່.

Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، اتصل بمجلس منازعات العمل فوراً، وإذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمرجعية القانونية بمحكمة الاستئناف بأورغون و ذلك باتباع الإرشادات المدرجة أسفل القرار.

Farsi

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلا فاصله با هیأت فر جام خواهی استخدام تماس بگیرید. اگر از این حکم رضایت ندارید، می توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اور گان در خواست تجدید نظر کنید.

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