

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0103

Affirmed
Ineligible for Training Unemployment Insurance

PROCEDURAL HISTORY: On October 6, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision denying claimant’s September 26, 2025 application for the Training Unemployment Insurance (TUI) program (decision # L0013301762). Claimant filed a timely request for hearing. On January 6, 2026, ALJ Frank conducted a hearing, and on January 14, 2026 issued Order No. 26-UI-317037, affirming decision # L0013301762. On January 30, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB considered claimant’s written argument in reaching this decision.

FINDINGS OF FACT: (1) On September 23, 2025, claimant filed an initial claim for unemployment insurance benefits that the Department determined was monetarily valid. The Department also determined that claimant was an “eligible dislocated worker” within the meaning of ORS 657.335(2).

(2) On September 26, 2025, claimant filed an application to participate in the TUI program which, if approved, would excuse her from standard availability and actively seeking work requirements while claiming benefits for the weeks of September 28, 2025 through December 6, 2025 (weeks 40-25 through 49-25) so that she could attend a career and technical training program. The Department did not pay claimant benefits for weeks 40-25 through 49-25.¹

(3) The training program for which claimant sought approval was a “non-credit/non-degree professional development program” entitled, “Applied Agentic AI for Organizational Transformation.”² Exhibit 1 at 27; Exhibit 2 at 6. The self-paced online program was to last 8 weeks, with “[m]ost participants [spending] an average of 4 to 6 hours per week on the course activities.” Exhibit 2 at 7. The program

¹ EAB has taken notice of this fact, which is 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 fact will remain in the record.

² Course materials alternately list the title as “Applied Generative AI for Digital Transformation.” See, e.g., Exhibit 1 at 8.

was advertised as an offering of Massachusetts Institute of Technology (MIT) “[d]elivered in collaboration with” Global Alumni Corp., and taught by MIT professors and lecturers. Exhibit 1 at 33.

(4) MIT was accredited by the applicable regional commission on higher education to offer degree programs, including from September through December 2025. Neither MIT nor Global Alumni Corp. were accredited to offer non-credit/non-degree programs, including the program in which claimant sought enrollment. Neither MIT nor Global Alumni Corp. were listed by Oregon or Massachusetts as authorized training providers under provisions of the Workforce Innovation and Opportunity Act (WIOA).³

(5) On October 6, 2025, the Department issued decision # L0013301762, denying claimant’s application to participate in the TUI program because “the program [claimant is] enrolled in is not accredited and does not result in a certification that would be required for a career as an AI Engineer and will not be a covered training. . . [Claimant is] enrolled at a training facility that is not accredited or licensed by the state where the training is provided [or by Oregon.]” Exhibit 1 at 38.

CONCLUSIONS AND REASONS: Claimant’s September 26, 2025 application for the TUI program is denied.

ORS 657.335 provides:

As used in ORS 657.335 to 657.360:

(1) “Career and technical training” means training or retraining and basic education, including literacy skills, designed to prepare individuals for gainful employment in recognized or new occupations or to prepare individuals to become self-employed. “Career and technical training” does not include programs of instruction for an individual, including transfer credit programs of instruction given at community colleges, that are primarily intended to lead toward a baccalaureate or higher degree or training that has for its purpose the preparation of individuals for employment in occupations that require a baccalaureate or higher degree from institutions of higher education unless approved by the Director of the Employment Department.

(2) “Eligible dislocated workers” means individuals who are not disqualified from benefits under ORS 657.176 and who:

(a) Have been terminated or laid off or who have received a notice of termination or layoff, are eligible for or have exhausted their entitlement to unemployment compensation and are unlikely to return to their previous industry or occupation;

(b) Have been terminated or have received a notice of termination of employment, as a result of any permanent closure of or any substantial layoff at a plant, facility or enterprise;

³ Pub. L. 113-128.

- (c) Are long term unemployed and have limited opportunities for employment or reemployment in the same or a similar occupation in the area in which such individuals reside, including older individuals who may have substantial barriers to employment by reason of age;
- (d) Were self-employed, including farmers and ranchers, and are unemployed as a result of general economic conditions in the community in which they reside or because of natural disasters;
- (e) Returned to service in the Oregon National Guard or the military reserve forces of the United States following active duty service;
- (f) Have separated from a declining industry; or
- (g) Have been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at their place of employment.

ORS 657.340 provides:

- (1) Dislocated workers approved for career and technical training may not be denied unemployment insurance benefits solely because they are attending career and technical training, nor shall such individual be denied benefits by reason of leaving work to enter such training if the work left was part-time or temporary or paid less than 80 percent of the individual's average weekly wage during the base year.
- (2) Notwithstanding provisions of this chapter relating to availability for work, actively seeking work or refusal to accept suitable work, dislocated workers approved for career and technical training and otherwise eligible for benefits are not ineligible for such benefits or waiting week credit because of attendance in career and technical training.
- (3)
 - (a) Eligible dislocated workers who file valid unemployment compensation claims, upon exhaustion of regular benefits, are eligible for supplemental benefits from 1 to 26 times the individual's most recent weekly benefit amount based upon the amount needed to continue or complete approved career and technical training.
 - (b) Supplemental benefits shall be paid under the same terms and conditions as regular benefits under this chapter, except that the Director of the Employment Department may extend the benefit year of an individual attending an approved career and technical training program a sufficient number of weeks to allow the individual to complete the training program.
 - (c) Supplemental benefits may be paid only when the eligible dislocated worker is not eligible to receive extended benefits as provided in ORS 657.321 to 657.329 or additional benefits as provided in ORS 657.331 to 657.334.

(4) The receipt of supplemental benefits is conditioned upon the individual's demonstrating satisfactory progress and attendance in career and technical training.

ORS 657.345 provides:

(1) Individuals who are identified as dislocated workers under the federal Workforce Innovation and Opportunity Act, and implementing regulations, and who attend training programs identified under the Act shall be considered to be in approved career and technical training. The training shall be for occupations or skills for which there are or are expected to be reasonable employment opportunities in the area or in another area to which the individual is willing to relocate or which relate to the development of a self-employment enterprise for which there is reasonable opportunity for success.

(2) In approving career and technical training for eligible dislocated workers who do not attend training programs identified in subsection (1) of this section, the Director of the Employment Department shall require:

(a) That the career and technical training relates to an occupation or skill for which there are, or are expected to be, reasonable employment opportunities in this state or relates to the development of a self-employment enterprise for which there is a reasonable opportunity for success.

(b) That the individual has the qualifications and aptitudes to successfully complete such career and technical training.

OAR 471-030-0080 (January 11, 2018) provides:

(1) Career and technical training, as defined in ORS 657.335, shall not be approved by the Director unless the public or private institution, school, or agency offering such program is certified or licensed by the Oregon State Board of Education, the Superintendent of Public Instruction, the Oregon Workforce Investment Board, or another Oregon State agency authorized to grant such certification or license or an equivalent state agency in the state where the training is to be provided.

(2) Career and technical training shall not be approved by the Director if the Director finds that the planned curriculum of classes and course activity is less than the equivalent of full-time student status as defined by the training provider. The Director may waive this requirement if:

(a) Classes needed to complete the training are not available to the individual; or

(b) The number of classes needed to complete the training is less than the equivalent of a full-time schedule.

(3) To receive benefits for any week during career and technical training, a dislocated worker who is otherwise eligible for unemployment insurance benefits must:

(a) Submit a written application for approval of career and technical training on forms prescribed or approved for such purpose by the Director, with the Employment Department Benefits Section — UI Training Programs Unit within 90 days of:

(A) Certification as a dislocated worker; or

(B) Termination from the dislocating employment; or

(C) The filing of a claim for unemployment insurance benefits; and

(b) Submit to the Employment Department a timely claim for such week in accordance with OAR 471-030-0045(4) which establishes the individual:

(A) Was physically present in the individual's labor market as defined in OAR 471-030-0036(6); and

(B) Attended and participated in all scheduled classes for each week of approved career and technical training; or

(C) If the individual failed to attend or participate in all scheduled classes during the week, was able and available for work; and

(c) At the end of each term provide to the Employment Department grades or completion of program documentation from the training facility which certifies that the claimant was satisfactorily pursuing the approved career and technical training; and

(4) Decisions of the Director to approve or disapprove an application for course approval or to discontinue such approval for one or more weeks during career and technical training or to approve or deny supplemental benefits under the provisions of ORS 657.335 through 657.360 shall be in writing, shall set forth the reasons therefore, and shall be served upon the claimant by mailing to the claimant's last known address of record with the Employment Department.

(5) As used in ORS 657.335(1):

(a) "Eligible dislocated workers" includes:

(A) For purposes of ORS 657.345(1), any worker attending training financed wholly or in part, or directly delivered by, a recipient or subrecipient administering Title 1B of the Workforce Investment Act of 1998 (P.L. 105-220).

(B) For purposes of ORS 657.345(2), any worker identified as dislocated by the Employment Department under ORS 657.335(1).

(b) "Unlikely to return to their previous industry or occupation" includes the following:

(A) The individual has been identified as meeting the Worker Profiling Program participation threshold developed by the Employment Department, or

(B) The individual has been permanently separated from an employer in an occupation identified as declining by the Employment Department in that geographic area in which the claimant resides, or

(C) The individual has been evaluated and referred to training by a vocational rehabilitation provider, including but not limited to Vocational Rehabilitation Division, Workers Compensation Division, or a private insurance carrier.

(c) “Long-term unemployed” means unemployed from the dislocated occupation for at least 15 of the last 26 weeks or for at least 8 consecutive weeks immediately prior to application (including survival jobs during such period).

(6) In applying the provisions of ORS 657.340, the Director may approve a program of instruction, including transfer credit programs of instruction given at community colleges, leading toward a baccalaureate or higher degree or training that has for its purpose the preparation of persons for employment in occupations which require a baccalaureate or higher degree from institutions of higher education if:

(a) The individual does not have significant transferable skills for other occupations in the statewide labor market;

(b) Unless previously approved in accordance with the provisions of Title IB of the Workforce Investment Act of 1998 (P.L. 105-220), the individual is within 48 quarter credit hours (or the semester equivalent) from completing the baccalaureate or higher degree; and

(c) Completing the baccalaureate or higher degree offers the best chance of long term employment.

(7) As used in ORS 657.340(2), “attendance in career and technical training” means the period of time beginning with the starting date of the training and ends with satisfactory completion of the training program. The period of time defined in this section includes customary academic recesses for holidays and between academic terms but does not include the customary academic summer recess. For purposes of applying 657.340(2), an individual may be determined not to be in “attendance in career and technical training” as defined in this section if the individual fails to demonstrate satisfactory progress and attendance as defined in section (3) of this rule.

(8) As used in ORS 657.340(3), “terms and conditions” includes “benefit year” as defined in 657.010(3). In applying the provisions of 657.340(3), the benefit year of an eligible dislocated worker may be extended, whether or not the benefit year has expired, if the eligible dislocated worker has not filed a subsequent initial claim establishing a new benefit year.

(9) The determination that an individual meets the definition of dislocated worker may be made by the Employment Department for purposes of paying benefits under ORS 657.335 to 657.360.

Where the Department has paid benefits it has the burden to prove benefits should not have been paid. *Nichols v. Employment Division*, 24 Or App 195, 544 P2d 1068 (1976). 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.

On September 26, 2025, claimant applied to the TUI program. The parties did not dispute that claimant was an eligible “dislocated worker” within the meaning of ORS 657.335(2), and therefore claimant’s eligibility for the program was largely contingent on claimant selecting a training program meeting the Department’s approval under the criteria set forth in the relevant statutes and rule. In decision # L0013301762, the Department denied claimant’s application, citing the lack of accreditation of the training program she selected, which is required under OAR 471-030-0080(1).⁴

ORS 657.345(1) provides that training programs preauthorized under WIOA are automatically “considered to be in approved career and technical training.” A Department representative testified at hearing that he checked both Oregon’s and Massachusetts’s registry of preauthorized WIOA training programs and providers, and neither MIT nor Global Alumni Corp., or the course at issue, were listed. Audio Record at 27:30. Claimant did not rebut this testimony. Therefore, under ORS 657.345(2), approval of the training program was within the Department’s discretion, utilizing criteria set forth in the applicable statutes and rule, including the provider accreditation requirement of OAR 471-030-0080(1).

The parties did not dispute that MIT was fully accredited by the applicable regional authority to offer degree programs. However, the Department’s representative testified that his research showed that MIT’s accreditation did not extend to non-degree/non-credit professional development programs, and implied that MIT’s collaboration with Global Alumni Corp. on those programs did not alter the programs’ lack of accreditation. Audio Record at 14:35. In contrast to this testimony, claimant submitted as evidence her own written statement asserting that both MIT and Global Alumni Corp. (or subsidiaries thereof) were accredited to provide the course at issue. Exhibit 1 at 6. However, while claimant provided ample evidence of MIT’s accreditation to offer degree programs (*See* Exhibit 1 at 34-37), she did not provide additional documentary evidence supporting her assertions that MIT or Global Alumni Corp. were accredited to offer non-degree/non-credit professional development programs, or the specific course at issue. As such, evidence of the providers’ accreditation to provide the course at issue is, at most, equally balanced. Because the Department did not pay claimant benefits due, at least in part, to the denial of her TUI application, claimant bears the burden of proving by a preponderance of the evidence

⁴ It should be noted that OAR 471-030-0080(2) requires that a training program be full-time, consistent with the TUI program’s statutory purpose of excusing claimants from the standard availability and actively seeking work requirements as necessary to participate in the training. The course materials provided by claimant suggest that the single self-paced online course in which she desired to participate, with a projected time commitment of 4 to 6 hours per week of claimant’s choosing, would fall far short of full-time study, and participation in it would likely not have interfered with claimant’s ability to meet the standard availability and actively seeking work requirements to receive benefits. Therefore, it likely would have been within the Department’s discretion to deny claimant a waiver of the full-time study requirement and deny her TUI application on that basis. However, decision # L0013301762 did not cite that as a basis for denying her application, and OAR 471-030-0080(4) required the decision to “set forth the reasons” for denial. As such, the focus of the analysis is on the accreditation issue disputed by the parties.

that the TUI application was improperly denied. Claimant has not met that burden with respect to the accreditation of the course or its providers. Accordingly, claimant's September 26, 2025 application to participate in the TUI program is denied.

DECISION: Order No. 26-UI-317037 is affirmed.

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

DATE of Service: March 11, 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 محكمة 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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