

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0771

Affirmed
Ineligible For Training Unemployment Insurance (TUI)

PROCEDURAL HISTORY: On July 6, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision denying claimant's application to participate in the TUI program effective July 14, 2026 (decision # L0018475810). Claimant filed a timely request for hearing. On August 10, 2026, ALJ Frank conducted a hearing, and on August 13, 2026 issued Order No. 26-UI-337317, affirming decision # L0018475810. On August 30, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARUGMENT: EAB considered claimant's written argument in reaching this decision.

FINDINGS OF FACT: (1) On April 12, 2026, claimant filed an initial claim for unemployment insurance benefits that the Department determined was monetarily valid.

(2) On June 30, 2026, claimant filed an application to participate in the TUI program, proposing to attend a health information and electronic records training and internship program in Oregon offered by OCHIN, a non-profit entity. The program was funded by a grant from the U.S. Department of Labor's Employment and Training Administration. The program did not appear on Oregon's Eligible Training Provider List and the program provider was not otherwise identified by the state as an eligible provider of training services that met the governor's criteria for approval of providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, or transitional employment. OCHIN was not 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.

(3) On July 27, 2026, a Department representative contacted OCHIN by phone and asked about their accreditation and partnership with the Department of Labor, and they responded that they were not accredited and that the Department of Labor provided them with grant funding. Audio Record at 15:45. The Department denied claimant's TUI application based on the provider's lack of a certification or license.

CONCLUSIONS AND REASONS: Claimant's application to participate in 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;

(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, in relevant part:

(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.

* * *

ORS 657.345 provides:

(1) Individuals who are identified as dislocated workers under the federal Workforce Innovation and Opportunity Act ["the WIOA"], 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.

The Workforce Innovation and Opportunity Act (29 U.S.C. § 3152) provides, in relevant part:

(a) Eligibility

(1) In general

Except as provided in subsection (h), the Governor, after consultation with the State board, shall establish criteria, information requirements, and procedures regarding the eligibility of providers of training services to receive funds provided under section 3173(b) of this title for the provision of training services in local areas in the State.

(2) Providers

Subject to the provisions of this section, to be eligible to receive those funds for the provision of training services, the provider shall be—

(A) an institution of higher education that provides a program that leads to a recognized postsecondary credential;

(B) an entity that carries out programs registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.); or

(C) another public or private provider of a program of training services, which may include joint labor-management organizations, and eligible providers of adult education and literacy activities under subchapter II if such activities are provided in combination with occupational skills training.

(3) Inclusion in list of eligible providers

A provider described in subparagraph (A) or (C) of paragraph (2) shall comply with the criteria, information requirements, and procedures established under this section to be included on the list of eligible providers of training services described in subsection (d). A provider described in paragraph (2)(B) shall be included and maintained on the list of eligible providers of training services described in subsection (d) for so long as the corresponding program of the provider remains registered as described in paragraph (2)(B).

* * *

(d) List and information to assist participants in choosing providers

(1) In general

In order to facilitate and assist participants in choosing employment and training activities and in choosing providers of training services, the Governor shall ensure that an appropriate list of providers determined to be eligible under this section to offer a program in the State (and, as appropriate, in a local area), accompanied by information identifying the recognized postsecondary credential offered by the provider and other appropriate information, is prepared. The list shall be provided to the local boards in the State, and made available to such participants and to members of the public through the one-stop delivery system in the State.

* * *

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(h) On-the-job training, customized training, incumbent worker training, and other training exceptions

(1) In general

Providers of on-the-job training, customized training, incumbent worker training, internships, and paid or unpaid work experience opportunities, or transitional employment shall not be subject to the requirements of subsections (a) through (f).

(2) Collection and dissemination of information

A one-stop operator in a local area shall collect such performance information from providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, and transitional employment as the Governor may require, and use the information to determine whether the providers meet such performance criteria as the Governor may require. The one-stop operator shall disseminate information identifying such providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible providers of training services.

* * *

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

(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.

* * *

(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.

* * *

The Department denied claimant's TUI application because the Department concluded that the career and technical training program she proposed to attend did not meet the requirement of OAR 471-030-0080(1). ORS 657.345(1) provides that claimants identified as dislocated workers under the WIOA "who attend training programs identified under [the WIOA] shall be considered to be in approved career and technical training." Under ORS 657.345(2), claimants proposing to attend programs not identified under the WIOA are subject to the Department's approval process, which involves applying the criteria in OAR 471-030-0080.

Claimant essentially asserted that the OCHIN program was a program “identified under” the WIOA and therefore, pursuant to ORS 657.335(1), was not subject to the Department’s discretionary approval. Claimant’s Written Argument at 1. While claimant conceded that the provider and program were not included in Oregon’s Eligible Training Provider List (ETPL), she asserted that because the WIOA exempts programs with an internship component from being required to secure placement on the ETPL, this exemption is sufficient to consider it a program “identified under” the WIOA. *See* Claimant’s Written Argument at 1. Claimant is correct that the WIOA contains an exemption from the requirement to secure placement on the ETPL for “[p]roviders of on-the-job training, customized training. . . internships, and paid or unpaid work experience opportunities,” and the record suggests that the OCHIN program would fall within that definition. 29 U.S.C. § 3152(h)(1).

However, 29 U.S.C. § 3152(h)(2) provides an alternate process for providers of such programs to “be considered to be identified as eligible providers of training services.” That process involves a “one-stop operator in a local area,” such as a local Workforce Investment Board or WorkSource office, collecting, evaluating, and disseminating performance information about the provider in accordance with criteria established by the governor, and “identifying such providers that meet the criteria as eligible providers.” 29 U.S.C. § 3152(h)(2). It stands to reason that in response to the Department’s inquiry regarding accreditation and their association with the Department of Labor, OCHIN would have told the Department that they had been identified as an eligible WIOA provider of the internship program, were that the case, rather than denying being accredited. Claimant did not provide rebuttal evidence showing that OCHIN had been deemed an “eligible provider” of the internship program by an Oregon one-stop operator. Accordingly, the record fails to show that OCHIN was identified by a one-stop operator in Oregon as meeting the criteria to be deemed an “eligible provider,” and it therefore was not a program “identified under” the WIOA. As a result, the program was subject to the Department’s discretionary approval under ORS 657.345(2).

Claimant also asserted that in denying her TUI application under its ORS 657.345(2) authority, the Department was incorrect in its conclusion that OCHIN did not meet the requirement of OAR 471-030-0080(1) that the provider be “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.” Claimant did not contend that OCHIN was licensed or certified to provide training by any of the foregoing named entities, but asserted at hearing that since the Department of Labor provided grant funding for the program, its involvement was equivalent to granting the program such certification or licensure. Audio Record at 18:55. However, the rule limits certifying or licensing entities to those named or “an equivalent state agency” of another state, and the U.S. Department of Labor is not a state agency. Moreover, it is not apparent from the record that the Department of Labor engaged in oversight of the program in a way that could be considered certifying or licensing it. As such, the record supports the Department’s conclusion that OCHIN did not meet the requirement of OAR 471-030-0080(1), and therefore claimant’s TUI application was properly denied.

DECISION: Order No. 26-UI-337317 is affirmed.

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

DATE of Service: October 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.

Employment Appeals Board - 875 Union Street NE | Salem, OR 97311

Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711

Email: appealsboard@employ.oregon.gov

Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

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