EO: Intrastate
BYE: 03-Jul-2027

State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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AAA 005.00

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0885

Reversed
Eligible Weeks 26-26 through 29-26

PROCEDURAL HISTORY: On August 4, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant did not actively seek work during the weeks of June 28 through July 25, 2026 (weeks 26-26 through 29-26) and therefore was not eligible for unemployment insurance benefits for those weeks (decision # L0019017851). Claimant filed a timely request for hearing. On September 1, 2026, ALJ Scott conducted a hearing at which the Department failed to appear and issued Order No. 26-UI-338826, affirming decision # L0019017851. On September 19, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

FINDINGS OF FACT: (1) Claimant worked for a school district until June 26, 2026, at which point the employer temporarily laid her off.

(2) On July 1, 2026, claimant filed an initial claim for unemployment insurance benefits. Claimant subsequently claimed benefits for the weeks of June 28 through July 25, 2026 (weeks 26-26 through 29-26). These are the weeks at issue. The Department did not pay claimant benefits for the weeks at issue.[1]

(3) Claimant did not perform or report any work seeking activities for the weeks at issue because she understood that she was not required to do so if she was considered temporarily unemployed.

(4) On July 30, 2026, claimant returned to work for her employer.

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

[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.

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.

Claimant worked for her employer until June 26, 2026, at which point she was laid off until she returned to work on July 30, 2026. While she was laid off, claimant claimed benefits for weeks 26-26 through 29-26. Claimant did not conduct any work seeking activities during the weeks at issue, as she understood that she was not required to do so if she was considered temporarily unemployed.

Thus, the question in this matter is whether claimant was considered temporarily unemployed, such that she was not required to conduct work seeking activities in order to meet the actively seeking work requirement for the weeks at issue. The order under review concluded that claimant was not temporarily unemployed during the weeks at issue and therefore ineligible for benefits for those weeks because she did not perform work seeking activities. Order No. 26-UI-338826 at 3. The record does not support this conclusion.

OAR 471-030-0036(5)(b) considers an individual to be temporarily unemployed for the period beginning on the last date on which they performed work for the employer through the week in which they return to work, so long as no more than four weeks pass between those two weeks. Claimant was laid off on June 26, 2026, which was during week 25-26, and returned to work on July 30, 2026, which

was during week 30-26. The weeks at issue are the four weeks which occurred between week 25-26 and week 30-26. As such, because claimant was off of work during the four weeks between the week she became temporarily unemployed and the week she returned to work, she met the requirement under OAR 471-030-0036(5)(b).

To be considered temporarily unemployed, claimant was also required to have remained in contact with her regular employer and capable of accepting and reporting for work with that employer, and to have had a reasonable expectation that she would be returning to work, either full time or to pay that equaled or exceeded her weekly benefit amount. The record was not explicitly developed on these points. However, given claimant's understanding during the weeks at issue that she was not required to perform work seeking activities if she was temporarily unemployed, it can be reasonably inferred that she reasonably expected to return to work. Furthermore, the Department did not appear at the hearing or otherwise offer evidence into the record regarding any of the other above requirements, and the record does not show that any of those other requirements were not met. As such, the preponderance of the evidence shows that claimant likely met all of the requirements under OAR 471-030-0036(5)(b)(A) and (B).

For the above reasons, claimant was temporarily unemployed during the weeks at issue and therefore met the actively seeking work requirement applicable to her for those weeks. Claimant therefore was eligible for benefits for the weeks at issue.

DECISION: Order No. 26-UI-338826 is set aside, as outlined above.

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

DATE of Service: November 4, 2026

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.

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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 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 ໄດ້ ໂດຍປະຕິບັດຕາມຄຳແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄຳຕັດສິນນີ້.

Arabic

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فورا، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الإستئناف 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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