

# On The Record

## Those awaiting injunction could receive unemployment in meantime

The Oregon Employment Department announced Monday that it has found a way to pay benefits to thousands of Oregonians who are out of work due to COVID-19 while they wait for their claim, or “Benefits While You Wait.”

This applies to Oregonians who are waiting for their claim to be reviewed by an adjudicator to determine whether they are eligible for regular unemployment or the Pandemic Unemployment Assistance (PUA) program.

“We are confident this group of Oregonians are eligible for benefits because they lost their job due to COVID-19, we just don’t know which program they are eligible for yet,” said Employment Department Acting Director David Gerstenfeld. “We have found a workaround that will allow us to pay benefits while their claims are being reviewed by an adjudicator.”

“We are grateful we have figured out a way to do this because Oregonians have been waiting too long.”

The Employment Department is proactively notifying claimants who have been identified to fall into this group via email and robo calls.

Strict laws governing unemployment insurance to prevent fraud and provide people due process require that each claim be reviewed. The Employment Department estimates that tens of thousands of Oregonians whose claims

are in adjudication may be eligible for PUA if they are not eligible for regular unemployment.

This pool of Oregonians could begin receiving “Benefits While You Wait.”

The department will contact people who may be able to receive “Benefits While You Wait” over the next several weeks.

Oregonians who may be eligible for “Benefits While You Wait”:

1. Applied for regular unemployment benefits;
2. Had their claim flagged for adjudication because the Employment Department has to determine if they meet the legal requirements to get regular unemployment benefits;
3. They are out of work due to a COVID-19 qualifying reason (see full list below); AND
4. Are likely eligible for PUA if they cannot receive regular unemployment benefits.

For now, people should continue filing their weekly claims as they have been. The Employment Department will notify people who may be able to benefit from this approach.

The administrative workaround will work as follows:

- As long as claimants qualify for PUA and file weekly regular unemployment claims, the Employment Department will pay these Oregonians their regular unemployment benefit amount until their claim is adjudicated. If, at the end of the adjudication process, it turns out that they qualified for

regular unemployment benefits, nothing will change.

They will keep getting regular unemployment benefits as long as they file their weekly claims and are eligible.

- If it turns out they didn’t qualify for regular unemployment, then the Employment Department will move their claims into the PUA program. If their PUA weekly benefit amount is higher, the Employment Department will also send them the increase for all the past weeks they got the regular UI amount.
- In the unlikely event this results in overpayment, the person would have to pay it back.

“Benefits While You Wait” is not available to individuals having their claims reviewed because of past or current school work experience, people who need to prove they are legally authorized to work in the U.S., claimants who reported being out of their labor market at least 3.5 days during a week, and some other situations.

COVID-19 reasons a person may be eligible for PUA:

- They have been diagnosed with COVID-19 or they have symptoms of COVID-19 and are seeking a medical diagnosis.
- A member of their household has been diagnosed with COVID-19.
- They are caring for a family member or a member of their household who has been diagnosed with COVID-19.
- Their child can’t

go to school because their school is closed as a direct result of the COVID-19 public health emergency, and they need their child to be in school for them to work.

- A person in their household for whom they have primary caregiving responsibility can’t go to a facility for care because the facility is closed as a direct result of the COVID-19 public health emergency, and they need them to be in facility care for them to work.
- They can’t get to their workplace because of a quarantine imposed as a direct result of the COVID-19 public health emergency.
- They can’t get to their workplace because a health care provider has advised them to self-quarantine due to concerns related to COVID-19.
- They were scheduled to start a job but they can’t start it or can’t get to it as a direct result of the COVID-19 public health emergency.
- They have become the main income earner for their household because the head of their household died as a direct result of COVID-19.
- They had to quit their job as a direct result of COVID-19.
- Their workplace is closed as a direct result of the COVID-19 public health emergency.

For more information, visit [www.oregon.gov/employ/unemployment](http://www.oregon.gov/employ/unemployment).

## DEATH NOTICES

**VESPOLI**—Joseph James Vespoli, 64, of Drain, died July 25, 2020.

Arrangements by Smith-Lund-Mills Funeral Chapel, Cottage Grove.

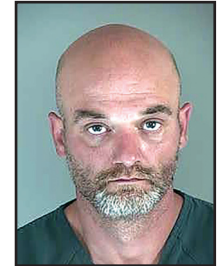
**MILLER**—Johnathon

“John” V. Miller, 68, of Cottage Grove, died Aug. 1, 2020.

Arrangements in the care of Smith-Lund-Mills Funeral Chapel.

## ARREST

On Aug. 3, 44-year-old Boudie Lancaster of Cottage Grove was arrested and lodged at the Lane County Jail in connection with a shooting that occurred that morning near the 72900 block of London Rd., south of Cottage Grove.



**Boudie Lancaster**

Lancaster is being held on two counts of Assault in

the First Degree, one count of Assault in the Second Degree, and one count of Felony Possession of a Weapon.

The Lane County Sheriff’s Office would like to thank the Douglas County Sheriff’s Office, the Oregon State Police, the Eugene Police Department, South Lane Fire, and Life Flight

for their assistance in this case.

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## Public charge rule blocked amid COVID-19 pandemic

A judge issued new injunctions this week blocking the public charge immigration rule during the COVID-19 pandemic.

This will allow immigrant communities across Oregon and the rest of the country to access critical health care and public benefits during the current health crisis.

The injunction issued against the Department of Homeland Security prevents the agency from enforcing, applying, implementing or

treating as effective the “public charge” rule for any period during a declared national health emergency in response to the COVID-19 outbreak.

The rule had expanded the list of benefits that the federal government could consider in deciding whether a person can enter the United States or obtain lawful permanent residency.

“The public charge rule has worsened health disparities, especially for the Lati-

no/a/x community, at a time when they are most hard hit by the lethal coronavirus,” said Patrick Allen, Oregon Health Authority Director. “Here in Oregon, many immigrant families decided not to access public benefits, even leaving their children without health insurance.”

In January, the Supreme Court issued a ruling that lifted an October 2019 decision to block the public charge rule, allowing it to go into effect.

As a result, the Department of Homeland Security began enforcing the rule on Feb. 24, just before the coronavirus outbreak became a nationwide pandemic.

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