

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

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0174**

*Affirmed*  
*Request to Backdate Initial Claim Denied*

**PROCEDURAL HISTORY:** On January 10, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision denying claimant's request to backdate the effective date of her initial claim for benefits to December 22, 2024 (decision # L0008130111). Claimant filed a timely request for hearing. On February 28, 2025, ALJ Enyinnaya conducted a hearing, and on March 7, 2025, issued Order No. 25-UI-285256, affirming decision # L0008130111. On March 18, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) In December 2023, claimant filed an initial claim for unemployment insurance benefits, establishing a valid claim that the department determined would expire at the end of week 50-24 (December 14, 2024).

(2) On December 20, 2024 (during week 51-24), claimant temporarily stopped working for her employer and planned to file a new initial claim for benefits.

(3) On December 22, 2024 (during week 52-24), claimant logged into Frances Online to file a new initial claim for benefits. Claimant did not file a new initial claim at that time because she believed that Frances Online would make the claim effective week 51-24, during which she was not unemployed. Claimant did not immediately attempt to contact the Department to resolve the issue or file the claim using another method.

(4) On December 29, 2024, claimant filed a new initial claim for benefits using Frances Online that was effective that day (week 01-25). Later that week, claimant requested backdating of the initial claim to December 22, 2024, which the department subsequently denied.

**CONCLUSIONS AND REASONS:** Claimant's request to backdate the initial claim is denied.

OAR 471-030-0040 (January 11, 2018) provides:

(1) As used in these rules, unless the context requires otherwise:

\* \* \*

(b) An “initial claim” is a new claim that is a certification by a claimant completed as required by OAR 471-030-0025 to establish a benefit year or other eligibility period;

\* \* \*

(e) “Backdating” occurs when an authorized representative of the Employment Department corrects, adjusts, resets or otherwise changes the effective date of an initial, additional or reopened claim to reflect filing in a prior week. Backdating may occur based upon evidence of the individual's documented contact on the prior date with the Employment Department or with any other state Workforce agency, or as otherwise provided in this rule.

\* \* \*

(3) An initial, additional, or reopened claim must be filed prior to or during the first week or series of weeks for which benefits, waiting week credit, or noncompensable credit is claimed and prior to or during the first week of any subsequent series thereafter. An initial claim is effective the Sunday of the calendar week in which it is filed. An authorized representative of the Employment Department will backdate an additional or reopened claim to the calendar week immediately preceding the week in which the request to backdate was made when a claimant requests backdating of the additional or reopened claim.

\* \* \*

OAR 471-030-0045 (January 11, 2018) provides:

(1) As used in these rules, unless the context requires otherwise:

(a) “Continued Claim” means an application that certifies to the claimant’s completion of one or more weeks of unemployment and to the claimant’s status during these weeks. The certification may request benefits, waiting week credit, or non-compensable credit for such week or weeks. A continued claim must follow the first effective week of an initial, additional or reopen claim, or the claimant’s continued claim for the preceding week;

(b) A “non-compensable credit week” is a week of unemployment for which benefits [shall] will not be allowed but which may qualify as a week allowed toward satisfying a disqualification as provided in ORS 657.215.

(2) A claimant, in order to obtain benefits, waiting week credit, or non-compensable credit for a week of unemployment, must file a continued claim for the week by any method approved by the Director.

\* \* \*

(4) A continued claim must be filed no later than seven days following the end of the week for which benefits, waiting week credit, or noncompensable credit, or any combination of the foregoing is claimed, unless:

(a) The continued claim is for the first effective week of the benefit year, in which case the week must be claimed no later than 13 days following the end of the week for which waiting week credit is claimed, or

(b) The claimant routinely files weekly claims by submitting a weekly paper certification forms, in which case the week is timely if it is filed to the Employment Department no later than seven days, as per sections (3)(a)–(c) of this rule, after the Employment Department originally sent the paper certification form to the claimant.

\* \* \*

On December 29, 2024, claimant filed an initial claim for unemployment insurance benefits, and later that week requested that the Department backdate it one week to be effective December 22, 2024. The Department sent a questionnaire to claimant to determine why she failed to file her initial claim during the week she wanted it to be effective, and whether she “made any attempt to claim that week... any time during that week.” Audio Record at 10:44. A Department representative testified that in the questionnaire response, claimant denied making any such attempt. Audio Record at 11:00.

Claimant testified that she was aware her previous claim expired on December 14, 2024, and that she would have to “reapply” for benefits by filing a new initial claim, as opposed to filing only continuing claims, after that date. Audio Record at 13:56. Claimant explained that she logged into Frances Online to file an initial claim on December 22, 2024, but that it had “given [her] the option to claim. . . the week before” and she felt that she “couldn’t do that” because she had worked during that week through December 20, 2024. Audio Record at 14:34. Claimant clarified that filing a claim pertaining to the earlier week (week 51-24) was “the only option it gave [her].”<sup>1</sup> Audio Record at 15:15.

Claimant therefore believed the best course of action was to wait until December 29, 2024, when she presumed Frances Online would let her file an initial claim that would be effective the week of December 22 through December 28, 2024 (week 52-24), as well as a continuing claim for that week. After filing her initial claim on December 29, 2024, and seeing that it could not be made effective the week prior, claimant contacted a Department representative to explain the situation and requested that

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<sup>1</sup> Presumably, Frances Online was giving claimant the option to file a continued claim for week 51-24 (December 15 through December 21, 2024) in addition to an initial claim that would be effective week 52-24 (December 22 through December 28, 2024), in case the initial claim was eligible to be backdated one week under OAR 471-030-0040(3). This apparently confused claimant as to when the initial claim would be effective if filed that day.

the initial claim be backdated. Claimant testified that she had not made an attempt to contact the Department during the week of December 22 through December 28, 2024, not because she believed Frances Online had made an “error,” but because she believed filing a claim the week after the week being claimed ended was standard procedure. Audio Record at 20:00.

Because claimant’s prior benefit claim expired on December 14, 2024, claimant was required by rule to file a new *initial* claim to be eligible for benefits or waiting week credit for any week thereafter. OAR 471-030-0040(3) provides that an initial claim “must be filed prior to or during the first week or series of weeks for which benefits [or] waiting week credit. . . is claimed[.]” Therefore, to receive benefits or waiting week credit for the week of December 22 through December 28, 2024 (week 52-24), claimant must have filed an initial claim for benefits during or before that week. OAR 471-030-0040(3) requires the backdating by one week of an “additional or reopened claim” upon a claimant’s request, but does not provide for mandatory backdating of an *initial* claim. OAR 471-030-0040(1)(e) provides that the Department “may” backdate the effective date of an initial claim to a prior week “based upon evidence of the individual’s documented contact on the prior date with the Employment Department[.]” Here, claimant did not attempt to contact the Department during week 52-24 because she mistakenly believed she could file an initial claim on December 29, 2024, that would be effective the preceding week. Logging into Frances Online on December 22, 2024, without filing any type of claim or attempting to contact a Department representative for clarification did not constitute a “documented contact” with the Department within the meaning of OAR 471-030-0040(1)(e). While it is unfortunate that such a mistake occurred, the rules do not provide for backdating an initial claim in the absence of documented contact during the requested effective week. Accordingly, claimant’s request to backdate her initial claim to December 22, 2024, is denied.

**DECISION:** Order No. 25-UI-285256 is affirmed.

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

**DATE of Service:** April 22, 2025

**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.

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