

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0201**

*Modified*  
*Initial Claim Backdated to Week 31-24*

**PROCEDURAL HISTORY:** On August 27, 2024, the Oregon Employment Department (the Department) served notice of an administrative decision denying claimant's request to backdate the effective date of his initial claim for unemployment insurance benefits to July 21, 2024 (week 30-24) (decision # L0005778334). Claimant filed a timely request for hearing. On March 6, 2025, ALJ Chiller conducted a hearing, and on March 7, 2025, issued Order No. 25-UI-285328, affirming decision # L0005778334. On March 27, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** EAB considered claimant's argument in reaching this decision.

**FINDINGS OF FACT:** (1) On July 22, 2024, claimant became temporarily unemployed due to a scheduled shutdown of his employer's facilities. Claimant intended to file a claim for unemployment insurance benefits effective the week of July 21, 2024, through July 27, 2024 (week 30-24).

(2) On July 24, 2024, claimant attempted to create a Frances Online account but was unsuccessful. Claimant did not attempt to contact the Department at that time, or during the rest of week 30-24, to resolve the issue.

(3) During the week of July 28, 2024, through August 3, 2024 (week 31-24), on or before July 30, 2024, claimant began calling the Department to seek assistance with Frances Online and filing his initial claim. Claimant was unable to reach the Department during that week, despite spending "hours" attempting to do so, because the lines were busy. Audio Record at 15:43.

(4) On August 9, 2024, after speaking with a Department representative by telephone, claimant created a Frances Online account and filed an initial claim for benefits that the Department determined was monetarily valid and effective August 4, 2024 (week 32-24).

(5) On August 26, 2024, claimant spoke with a Department representative and requested backdating of the effective date of his initial claim to July 21, 2024 (week 30-24). The representative noted in

claimant's record, "More information is needed from the claimant. He contacted us on 7/30/24 during week 3124 and talked to the rep about not being able to access Frances. He is requesting a backdate to week 3024. It is unknown if he made his first attempt to file his IC in week 3024 or 3124."<sup>1</sup> The Department denied the request.

**CONCLUSIONS AND REASONS:** The effective date of claimant's initial claim for benefits is backdated to July 28, 2024 (week 31-24).

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.

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<sup>1</sup> 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(s) will remain in the record.

Claimant requested to backdate the effective date of his initial claim by two weeks, from August 4, 2024 (week 32-24) to July 21, 2024 (week 30-24). The order under review concluded that claimant was not entitled to backdate the claim to week 30-24 because claimant “did not begin the process of filing his claim until the week after his last day of work on July 22, 2024[.]” Order No. 25-UI-285328 at 2. The record supports the conclusion that the claim’s effective date should not be backdated to week 30-24. However, the order under review did not assess whether it should be backdated to week 31-24, and the record supports backdating it to that week.

Claimant filed his initial claim for benefits on August 9, 2024. Under rule, the effective date of the claim is August 4, 2024 (week 32-24). A claimant is entitled to backdating of an *additional or reopened* claim by one week upon request, but there is no such entitlement under the rule for an *initial* claim. However, under OAR 471-030-0040(1)(e), backdating of an initial claim “may occur based upon evidence of the individual's documented contact on the prior date with the Employment Department. . .” The Department’s representative at hearing testified that according to the Department’s practice, it would have granted claimant’s request to backdate “if he was to either [have] called us or sent us a Frances message during that week, or a live chat, that there’s any barriers that he had with Frances[.]” Audio Record at 8:25.

At hearing, claimant was asked when he first attempted to contact the Department about filing his initial claim for benefits. Claimant testified, “Wednesday, [July] 24<sup>th</sup> was the first time I made any headway trying to get into the Frances system, and apparently I . . . don’t know what happened, but it didn’t. I thought it went through, but it didn’t. And so, it wasn’t until the following week that I realized that the whole thing was messed up, and then, so I started to try to get through on the phone.” Audio Record at 17:10. Claimant explained that he “spent hours, hours, and hours trying to get through once [he] realized there was an issue.” Audio Record at 15:43. This testimony is consistent with the Department’s record of a telephone call on August 26, 2024, in which claimant stated that he had spoken with a representative on July 30, 2024. Therefore, more likely than not, claimant did not attempt to contact the Department during the week of July 21, 2024, through July 27, 2024 (week 30-24), but attempted contact by telephone during the week of July 28, 2024, through August 3, 2024 (week 31-24).

While the record does not show evidence of a contemporaneously documented contact between claimant and the Department during week 31-24, a note regarding a July 30, 2024, call was later documented by a Department representative on August 26, 2024. The record shows that claimant’s efforts to contact the Department during week 31-24 are sufficient, when considering the Department’s practices regarding backdating of initial claims, to allow backdating the effective date of his initial claim to that week. Because claimant made no attempt to contact the Department regarding filing his initial claim prior to week 31-24, the rule does not permit backdating to week 30-24.

For these reasons, the effective date of claimant’s initial claim for unemployment insurance benefits is backdated to July 28, 2024 (week 31-24).

**DECISION:** Order No. 25-UI-285328 is modified, as outlined above.

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

**DATE of Service: May 1, 2025**

**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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