

**EMPLOYMENT APPEALS BOARD DECISION**  
**2025-EAB-0507**

*Affirmed*  
*Backdate Request Denied*

**PROCEDURAL HISTORY:** On July 2, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision denying claimant's request to backdate her initial claim to May 25, 2025 (decision # L0011535265). Claimant filed a timely request for hearing. On August 6, 2025, ALJ Contreras conducted a hearing and issued Order No. 25-UI-299843, affirming decision # L0011535265. On August 22, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

**WRITTEN ARGUMENT:** Claimant's argument contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented her from offering the information during the hearing. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing. EAB considered the parts of claimant's argument that were based on the hearing record.

**FINDINGS OF FACT:** (1) In 2017 or 2018, claimant participated in the Training Unemployment Insurance (TUI) program, a special unemployment insurance program offered to dislocated workers. TUI enables a claimant to attend full-time school or an accredited training program while receiving benefits, but without the usual requirement of having to actively search for work.

(2) To participate in the TUI program, the Department required TUI applicants to first file an initial claim for regular unemployment insurance (regular UI) benefits.

(3) On May 23, 2025, claimant became unemployed. Claimant, who was also attending school at the time, decided to apply for the TUI program.

(4) On May 30, 2025, claimant visited her local WorkSource office and spoke to a representative. Claimant mentioned that she had participated in the TUI program before and was interested in applying for the program again. The representative asked claimant if she had a Frances Online account, and claimant confirmed that she did. The representative then gave claimant a blank TUI application form and advised that claimant needed to have her school fill out a particular section, and then claimant

needed to return the completed application to the Department. The representative did not ask claimant if she had filed a regular UI initial claim, or tell her that she was required to do so to participate in the TUI program. Claimant did not mention or ask about filing a regular UI initial claim, as she did not recall from her previous experience with TUI whether she had filed a regular UI initial claim on that occasion.

(5) Claimant gave the TUI application to her school for them to fill out their section. The school did not complete the task promptly.

(6) Between May 30, 2025 and June 18, 2025, claimant visited her local WorkSource office again. Claimant spoke to a representative and mentioned that she was still waiting for her school to fill out their section of the TUI application. Claimant asked if there was anything she could do, and the representative stated only that that claimant needed to have her school fill out the section, then return the completed application. As with her previous visit to the WorkSource office, no mention of filing a regular UI initial claim was made by claimant or the WorkSource representative.

(7) On June 18, 2025, claimant's school completed the task of filling out their section of the TUI application. Claimant faxed the completed TUI application to the Department that day.

(8) On June 24, 2025, a Department representative called claimant and advised that to participate in the TUI program, claimant first had to file a regular UI initial claim. Claimant filed a regular UI initial claim that day. The Department determined that claimant had a valid claim for regular UI benefits with a first effective week of June 22 through June 28, 2025 (week 26-25).

(9) Thereafter, claimant requested that the Department backdate her initial claim to the week of May 25, 2025 through May 31, 2025 (week 22-25), the week claimant first visited a WorkSource office and inquired about the TUI program. The Department denied the request to backdate.

(10) The Department ultimately concluded that claimant was not eligible for the TUI program because she did not qualify as a dislocated worker. The Department concluded that claimant remained eligible for regular UI, however.<sup>1</sup>

**CONCLUSIONS AND REASONS:** Claimant's request to backdate her initial claim to week 22-25 is denied.

ORS 657.155(1)(b) provides that an unemployed individual shall be eligible to receive benefits with respect to any week only if the individual has made a claim for benefits with respect to such week in accordance with ORS 657.260. ORS 657.260(1) provides that claims for benefits shall be filed in accordance with such regulations as the Department may prescribe.

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

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

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<sup>1</sup> EAB has taken notice of facts contained in this paragraph, which are contained in Employment Department records. OAR 471-041-0090(1). 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 facts will remain in the record.

\* \* \*

(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.

\* \* \*

Claimant is not entitled to have her regular UI initial claim backdated to week 22-25. Under OAR 471-030-0040(3), an initial claim is effective the Sunday of the calendar week in which it is filed. Because claimant filed her initial claim on Tuesday, June 24, 2025, the first effective week of claimant’s claim was the week of June 22, 2025 through June 28, 2025 (week 26-25).

OAR 471-030-0040(1)(e) authorizes the backdating of initial claims, but only upon evidence of an individual’s documented contact with the Department on a prior date. Claimant contacted the Department on May 30, 2025, but that contact was unrelated to filing an initial claim for regular UI benefits. It is undisputed that during the visit on that date, claimant did not request to file a regular UI initial claim or ask any questions about that matter. Claimant also did not mention filing a regular UI initial claim during her visit to the WorkSource office that occurred between May 30, 2025 and June 18, 2025.

Although it would have resulted in better customer service if Department representatives claimant spoke to during her office visits had reminded her of the need to file a regular UI initial claim and urged her to do so immediately, the record fails to show that backdating claimant’s regular UI initial claim to week 22-25 would be appropriate under the doctrine of equitable estoppel.

Equitable estoppel “requires proof of a false representation, (1) of which the other party was ignorant, (2) made with the knowledge of the facts, (3) made with the intention that it would induce action by the other party, and (4) that induced the other party to act upon it.” *Keppinger v. Hanson Crushing, Inc.*, 161 Or App 424, 428, 983 P2d 1084 (1999) (citation omitted). In addition, to prove estoppel against a state agency, a party “must have relied on the agency’s representations and the party’s reliance must have been reasonable.” *State ex rel SOSCF v. Dennis*, 173 Or App 604, 611, 25 P3d 341, *rev. den.*, 332 Or 448 (2001) (citing *Dept. of Transportation v. Hewett Professional Group*, 321 Or 118, 126, 895 P2d 755 (1995)).

Here, there is no indication that during her WorkSource office visits, the Department representatives ever advised claimant not to file a regular UI initial claim. As such, claimant could not have relied on such advice in failing to file her initial claim during week 22-25. Therefore, the Department did not make a false representation upon which claimant relied in failing to file her initial claim during week 22-25, and the Department is not estopped from denying claimant’s request to backdate her initial claim to that week.

As claimant’s contacts with the Department prior to week 26-25 did not relate in any way to filing a regular UI initial claim, claimant did not produce evidence of documented contacts with the Department sufficient to backdate her claim. Further, the Department is not estopped from denying claimant’s backdate request. Accordingly, claimant’s request to backdate her regular UI initial claim to the week of May 25, 2025 through May 31, 2025 (week 22-25) is denied.

**DECISION:** Order No. 25-UI-299843 is affirmed.

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

**DATE of Service:** September 25, 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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