

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0652

Affirmed
Ineligible Week 32-25

PROCEDURAL HISTORY: On September 9, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant filed a late claim for unemployment insurance benefits for the week of August 3, 2025 through August 9, 2025 (week 32-25) and was therefore ineligible to receive benefits for that week (decision # L0012792112). Claimant filed a timely request for hearing. On October 15, 2025, ALJ Enyinnaya conducted a hearing, and on October 23, 2025, issued Order No. 25-UI-308133, affirming decision # L0012792112. On October 31, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: EAB did not consider claimant's argument because it was not relevant and material to EAB's determination of whether claimant filed a late claim for benefits for week 32-25. ORS 657.275(2) and OAR 471-041-0090(1)(b)(A) (May 13, 2019).

FINDINGS OF FACT: (1) On July 30, 2025, claimant filed an initial claim for unemployment insurance benefits that the Department determined was monetarily valid.

(2) The Claimant Handbook states, in relevant part, "You may claim a week as soon as it ends beginning Sunday morning. You have all week to claim the prior week but you must complete it before midnight the following Saturday or it will be late." Transcript at 24-25.

(3) On August 11, 2025, claimant used Frances Online to attempt to file a continuing claim for the week of August 3, 2025 through August 9, 2025 (week 32-25), but was unable to do so by that method because he had not completed the identity verification process necessary to activate his Frances Online account.

(4) On August 12, 2025, the Department considered claimant's identity verification complete and permitted him to file continuing claims using Frances Online as of that date. That day, claimant began the process of filing a continuing claim for week 32-25, including the final steps of listing his work search efforts in the certification, but he did not finish filing it. Claimant did not log into Frances Online again until August 17, 2025, or attempt to file the claim for week 32-25 using other methods. Claimant

did not finish that filing process because he mistakenly believed that a continuing claim could not be filed until the Sunday following the week *after* the week being claimed (i.e., Sunday, August 17, 2025 to claim the week ending Saturday, August 9, 2025).

(5) On Sunday, August 17, 2025, claimant again used Frances Online to attempt to file a continuing claim for week 32-25. That day, the system allowed him to file a claim for the first effective week of his claim, week 31-25 (July 27, 2025 through August 2, 2025). Frances Online did not allow him to file a claim that day for week 32-25, in part because the August 16, 2025 deadline for doing so had passed. Claimant contacted or attempted to contact the Department on August 26, 27, and 29, 2025, about claiming this week.

(6) On September 3, 2025, claimant spoke with a representative by telephone regarding issues with his claim. During this conversation, the representative assisted claimant in filing a continuing claim for week 32-25. The Department did not pay claimant benefits for that week.

CONCLUSIONS AND REASONS: Claimant filed a late claim for benefits for week 32-25.

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 471-030-0045 (January 11, 2018) provides, in relevant part:

(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.

(3) As directed by the Director, a continued claim must be filed:

(a) In person at any Employment Department office in the state of Oregon. When delivered in person to any Employment Department office in the state of Oregon, the date of filing shall be the date of delivery, as evidenced by the receipt date stamped or written by the public employee who receives the document;

(b) By United States mail. When filed by mail, the date of filing shall be the date of the postmark affixed by the United States Postal Service. In the absence of a postmarked date, the date of filing shall be the most probable date of mailing as determined by the Employment Department;

(c) By fax. When filed by fax, the date of filing shall be the encoded date on the fax document unless such date is absent, illegible, improbable or challenged, in which case the fax receipt date, if available, shall be the date of filing. If a filing date cannot otherwise be determined, the filing date shall be the most probable date of faxing as determined by the Employment Department;

(d) By Internet. When filed on line, the date of filing shall be the initial date of transmission of the on line continued claim; or

(e) By telephone. When filed by telephone, the date of filing shall be the date marked, stamped, or imprinted on the document by the agency system that records the oral request or by the employee accepting the continued claim.

(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 * * *

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Claimant's initial claim for benefits was filed on July 30, 2025, and the first effective week of the claim was therefore week 31-25 (July 27, 2025 through August 2, 2025). Because week 32-25 (August 3, 2025 through August 9, 2025) was not the first effective week of the claim, the deadline for filing a continuing claim for that week was Saturday, August 16, 2025, seven days following the end of the week. Claimant filed his continuing claim for week 32-25 by telephone on September 3, 2025, and it was therefore late.

The parties agreed that through August 11, 2025, claimant was unable to file the claim for week 32-25 using Frances Online because he had not completed the identity verification process to activate his Frances Online account. The Department's witness testified that logs of claimant's Frances Online use showed that identity verification was completed and his account activated on August 12, 2025, and that he started entering the certification for week 32-25 that day, including entering work search information, but did not complete the certification or file the weekly claim. Transcript at 28-29. Claimant did not rebut this testimony.

When asked at hearing why he did not finish filing the nearly-completed continuing claim for week 32-25 on August 12, 2025, claimant replied, in part, “I don’t recall. . . I was trying to figure it out on how to work it[.]” Transcript at 19. When asked why he waited until August 17, 2025 to next log into Frances Online, claimant replied, “Because that’s what I was told. That you gotta wait. . . until Sunday. Until that... ‘file now’s’ revealed. So that’s why I did it on Sunday.” Transcript at 19-20. Claimant explained that he was referring to a telephone conversation with a representative on August 11, 2025, as he attempted to gain access to Frances Online, and that the representative told him, “[C]laims begin[.]. . . on Sunday.” Transcript at 21. While it is unfortunate claimant was mistaken about when the week 32-25 continuing claim timely filing period began and ended, the rule provides no “good cause” exception for failing to timely file the claim. Accordingly, claimant filed his continuing claim for week 32-25 late, and is therefore ineligible to receive unemployment insurance benefits for that week.

DECISION: Order No. 25-UI-308133 is affirmed.

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

DATE of Service: December 8, 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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