

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0685

Affirmed
Late Claims for Benefits Denied
Ineligible Weeks 22-25 through 29-25

PROCEDURAL HISTORY: On August 8, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant filed a late claim for benefits for the week of May 25 through May 31, 2025 (week 22-25) and was therefore ineligible for benefits for that week (decision # L0012261162). On August 7, 2025, the Department served notice of an administrative decision concluding that claimant filed a late claim for benefits for the week of June 1 through June 7, 2025 (week 23-25) and was therefore ineligible for benefits for that week (decision # L0012205269). Also on August 7, 2025, the Department served notice of an administrative decision concluding that claimant filed a late claim for benefits for the week of June 8 through June 14, 2025 (week 24-25) and was therefore ineligible for benefits for that week (decision # L0012243481). On August 13, 2025, the Department served notice of an administrative decision concluding that claimant filed a late claim for benefits for the week of June 15 through June 21, 2025 (week 25-25) and was therefore ineligible for benefits for that week (decision # L0012399054).

On August 7, 2025, the Department served notice of an administrative decision concluding that claimant filed a late claim for benefits for the week of June 22 through June 28, 2025 (week 26-25) and was therefore ineligible for benefits for that week (decision # L0012308010). Also on August 7, 2025, the Department served notice of an administrative decision concluding that claimant filed a late claim for benefits for the week of June 29 through July 5, 2025 (week 27-25) and was therefore ineligible for benefits for that week (decision # L0012311966). Also on August 7, 2025, the Department served notice of an administrative decision concluding that claimant filed a late claim for benefits for the week of July 6 through July 12, 2025 (week 28-25) and was therefore ineligible for benefits for that week (decision # L0012214259). On August 8, 2025, the Department served notice of an administrative decision concluding that claimant filed a late claim for benefits for the week of July 13 through July 19, 2025 (week 29-25) and was therefore ineligible for benefits for that week (decision # L0012289494).

Claimant filed timely requests for hearing on the administrative decisions. On October 20, 2025, ALJ Frank conducted a consolidated hearing. On October 27, 2025, ALJ Frank issued Orders No. 25-UI-308536, 25-UI-308537, 25-UI-308539, 25-UI-308540, 25-UI-308541, 25-UI-308542, 25-UI-308543,

and 25-UI-308545, respectively affirming decisions # L0012261162, L0012205269, L0012243481, L0012399054, L0012308010, L0012311966, L0012214259, and L0012289494.

On November 12, 2025, claimant filed applications for review of Orders No. 25-UI-308536, 25-UI-308537, 25-UI-308539, 25-UI-308540, 25-UI-308541, 25-UI-308542, 25-UI-308543, and 25-UI-308545 with the Employment Appeals Board (EAB).

EAB combined its review of Orders No. 25-UI-308536, 25-UI-308537, 25-UI-308539, 25-UI-308540, 25-UI-308541, 25-UI-308542, 25-UI-308543, and 25-UI-308545 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2025-EAB-0687, 2025-EAB-0684, 2025-EAB-0685, 2025-EAB-0706, 2025-EAB-0700, 2025-EAB-0709, 2025-EAB-0688, and 2025-EAB-0708).

FINDINGS OF FACT: (1) On January 20, 2025, claimant filed an initial claim for unemployment insurance benefits. The Department determined claimant's initial claim to be monetarily valid, with a first effective week of January 19 through January 25, 2025 (week 04-25).

(2) Claimant timely filed weekly claims for benefits for week 04-25 and the following week, the week of January 26 through February 1, 2025 (week 05-25). Claimant received waiting week credit and was paid benefits for those weeks, respectively.¹

(3) Thereafter, the weekly claims feature of claimant's Francis Online account became unavailable.

(4) However, it was still possible for claimant to claim a week of benefits by filling out a printed claim form and faxing or mailing the completed form to the Department, or delivering the completed form in-person at a Department office. It was also possible for claimant to claim a week of benefits by telephone by speaking to a Department representative and having the representative key the completed claim form into the Department's system.

(5) Beginning in early to mid-February 2025, claimant attempted to claim weeks of benefits through her Frances Online account but was unable to do so because she had lost access to the weekly claims feature. Claimant attempted to call the Department many times, but because of high call volume, was unable to connect with a representative. On March 4, 2025, claimant visited a WorkSource Oregon office, but did not file a weekly claim for benefits while there.

(6) At some point after March 4, 2025 but before May 27, 2025, claimant moved to Arizona. From May 27, 2025 until June 20, 2025, claimant worked a job in Arizona.

(7) At the end of July 2025, claimant returned to Oregon from Arizona. At that point, claimant repeatedly visited a WorkSource office, and became aware that she could report her work search activity for the weeks she wished to claim by manually printing and submitting the work search information. Claimant worked with WorkSource representatives to submit her work search activity by manually

¹ EAB has taken notice of the facts contained in this paragraph, which are 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 facts will remain in the record.

printing and submitting it. However, at that time, claimant did not claim any weeks via the method of filling out printed claim forms and faxing or mailing the completed forms to the Department.

(8) On August 5, 2025, claimant reached a Department representative by telephone. On that date, claimant claimed weeks of benefits by having the representative key the completed claim forms into the Department's system. Claimant claimed the weeks of May 25 through July 19, 2025 (weeks 22-25 through 29-25). These are the weeks at issue. The Department did not pay claimant benefits for the weeks at issue.

CONCLUSIONS AND REASONS: Claimant filed late claims for benefits for the weeks of May 25 through July 19, 2025 (weeks 22-25 through 29-25), and is not eligible for benefits for those weeks.

Where the Department has paid benefits it has the burden to prove benefits should not have been paid. *Nichols v. Employment Division*, 24 Or App 195, 544 P2d 1068 (1976). By logical extension of that principle, where benefits have not been paid, the claimant has the burden to prove that the Department should have paid benefits. Here, because the Department did not pay claimant for the weeks at issue, claimant has the burden to prove that the Department should have paid her benefits for those weeks.

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[.]

* * *

(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[.]

* * *

Under OAR 471-030-0045(3), a continued claim may be filed in person at any Department office in the state of Oregon, by United States mail, by fax, by internet, and by telephone.

The continued claims for benefits for each of the weeks at issue were due within the seven-day period following the end of each week. Claimant filed her claims for the weeks at issue on August 5, 2025. That date was more than seven days after the end of each of the weeks at issue, and the claims therefore were late.

It is regrettable that claimant was unable to use Frances Online as a method to claim the weeks at issue. However, OAR 471-030-0045 also authorizes the filing of weekly claims by telephone, mail, fax, and in person. For example, claimant could have timely claimed the weeks at issue by printing out the claim forms for weeks 22-25 through 29-25 and faxing or mailing the completed forms for those weeks to the Department within the seven-day period following the end of each week.²

Because the weekly claims for benefits for weeks 22-25 through 29-25 were filed late, claimant is ineligible for benefits for those weeks.

DECISION: Orders No. 25-UI-308536, 25-UI-308537, 25-UI-308539, 25-UI-308540, 25-UI-308541, 25-UI-308542, 25-UI-308543, and 25-UI-308545 are affirmed.

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

DATE of Service: December 18, 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.

Please help us improve our service by completing an online customer service survey. To complete the survey, please go to <https://www.surveygizmo.com/s3/5552642/EAB-Customer-Service-Survey>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.

² A printable weekly claim form, Form 127, is available at <https://unemployment.oregon.gov/weekly-claims>.



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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