

EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0735

*Affirmed
Backdate Request Denied*

PROCEDURAL HISTORY: On July 17, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision denying claimant's request to backdate her reopened claim to June 29, 2025 (decision # L0011968136). Claimant filed a timely request for hearing. On October 29, 2025, ALJ Micheletti conducted a hearing, and on November 6, 2025 issued Order No. 25-UI-309664, affirming decision # L0011968136. On November 26, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

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

FINDINGS OF FACT: (1) On October 18, 2024, claimant filed an initial claim for unemployment insurance benefits, which the Department determined was monetarily valid. Thereafter, claimant filed weekly claims for benefits each week for the remainder of 2024, and much of 2025 up through the week ending June 28, 2025.

(2) Claimant wished to claim the week of June 29 through July 5, 2025 (week 27-25). However, during the seven days following week 27-25, claimant was focused on two emergency situations. First, claimant's sister, who was visiting her, had a medical emergency and claimant had to accompany her to the emergency room. Second, a wildfire started near claimant's home and claimant was subject to an evacuation order. Because the two emergency situations occupied her time and attention, claimant did not file a weekly claim for week 27-25 during the seven-day period following the end of the week.

(3) Because she did not claim week 27-25, there was a gap in claimant's weekly claiming sequence that required claimant to restart her claim to again claim a week of benefits. On July 14, 2025, claimant restarted her claim by filing a reopened claim, which certified that she had no employment since last reporting on the claim. Claimant filed the reopened claim online and was allowed to backdate it to begin the week of July 6 through July 12, 2025 (week 28-25).

(4) Because claimant's reopened claim began week 28-25, it was not possible for claimant to claim week 27-25 by herself via Frances Online. On July 14, 2025, claimant called the Department, spoke to a

representative, and requested that her reopened claim be backdated to week 27-25 so as to enable her to claim benefits for week 27-25. The representative forwarded claimant's backdating request to the appropriate personnel for review.

(5) On July 17, 2025, the Department issued decision # L0011968136, denying claimant's request to backdate her reopened claim to the beginning of week 27-25.

CONCLUSIONS AND REASONS: Claimant's request to backdate her initial claim to week 27-25 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:

* * *

(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;

* * *

(d) "Reopened claim" is a certification by a claimant completed as required by OAR 471-030-0025 that restarts a claim during an existing benefit year or other eligibility period and certifies that there was no employment in any week since last reporting on this claim;

(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.

(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:

* * *

Claimant is not entitled to have her reopened claim backdated to the beginning of week 27-25. OAR 471-030-0040(3) authorizes the backdating of a reopened claim, but only to the week immediately preceding the week in which the request to backdate was made. Claimant made her backdating request on July 14, 2025, and so her reopened claim was appropriately backdated to the week of July 6 through 12, 2025 (week 28-25). Unfortunately, that resulted in claimant being unable to claim week 27-25, since OAR 471-030-0040(3) requires a reopened claim to be filed prior to or during the first week of a subsequent claiming sequence, and claimant's reopened claim backdated to begin week 28-25 was after week 27-25.¹

At hearing, and in her written argument, claimant argued that good cause existed for her reopened claim to be backdated to week 27-25, because of the emergency situations that occupied her time and attention during the seven days following the end of that week. *See* Audio Record at 8:04, 10:44; Claimant's Written Argument at 1-2. It is correct that the "good cause" concept is present in some areas of unemployment insurance law. For example, as noted in claimant's argument, it is possible for a party to show good cause to extend the deadline to file an appeal. Claimant's Written Argument at 1. It is also correct that a claimant is not disqualified from receiving benefits if they voluntarily leave work, but do so with good cause. Claimant's Written Argument at 1.

However, absent a showing of impossibility or denial of due process, there are no good cause exceptions in the area of backdating reopened claims. The circumstances claimant faced during the seven days following the end of week 27-25 were indeed difficult and it is regrettable that claimant was unable to claim the week of benefits during that seven-day period. However, the record does not show that it was impossible to claim or that claimant was denied due process. Accordingly, claimant's request to backdate the reopened claim to week 27-25 was appropriately denied.

DECISION: Order No. 25-UI-309664 is affirmed.

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

DATE of Service: January 2, 2026

¹ Even if claimant had been able to file a weekly claim for benefits for week 27-25, the week would have been claimed more than seven days following the end of the week. Therefore, under OAR 471-030-0040(4), claimant would not have been eligible to receive benefits for that week because the claim would have been filed late.

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.



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 – 本判决会影响您的失业救济金。如果您不明白本判决, 请立即联系就业上诉委员会。如果您不同意此判决, 您可以按照该判决结尾所写的说明, 向俄勒冈州上诉法院提出司法复审申请。

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 Tự 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 – សេចក្តីសម្រចន់មានធនប៉ះពាល់ដល់អគ្គប្រយោជន៍គ្មានការងារដើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រចន់ សូមទាក់ទងគណៈកម្មការខ្លួនណ៍ការងារភ្នាមធម៌។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រចន់ទេ លោកអ្នកអាជីវការការពិនិត្យធម្មិនក្នុងវិញ្ញាបាមួយក្នុងរដ្ឋបាលខ្លួនណ៍ដូច Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដើម្បីសេរន្តាខាងមុងបញ្ចប់នៃសេចក្តីសម្រចន់។

Laotian

ເອົາໃຈສ់ – ការតាត់តិចនីមួយៗការងារបានចូលរួមទៅក្នុងការងារខ្លួនខ្លួន។ តើខាងក្រោមនេះគឺជាការតាត់តិចនីមួយៗ ការលើកឡាតាំងបានការងារខ្លួនខ្លួននៅ Oregon តែប៉ុណ្ណោះ។ តើខាងក្រោមនេះគឺជាការតាត់តិចនីមួយៗ ការស្វែងរកការងារខ្លួនខ្លួននៅ Oregon តែប៉ុណ្ណោះ។

Arabic

هذا القرار قد يؤثر على منحة البطلة الخاصة بك، إذا لم تفهم هذا القرار، اتصل بمجلس منازعات العمل فوراً، وإذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الاستئناف بأوريغون و ذلك باتباع الإرشادات المدرجة أسفل القرار.

Farsi

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بالاصله با هیأت فرجم خواهی استخدام تماش بگیرید. اگر از این حکم رضایت ندارید، می توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

Employment Appeals Board - 875 Union Street NE | Salem, OR 97311

Phone: (503) 378-2077 | 1-800-734-6949 | Fax: (503) 378-2129 | TDD: 711

Email: appealsboard@employ.oregon.gov

Website: www.Oregon.gov/employ/pages/employment-appeals-board.aspx

The Oregon Employment Department is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Language assistance is available to persons with limited English proficiency at no cost.

El Departamento de Empleo de Oregon es un programa que respeta la igualdad de oportunidades. Disponemos de servicios o ayudas auxiliares, formatos alternos y asistencia de idiomas para personas con discapacidades o conocimiento limitado del inglés, a pedido y sin costo.