

**EMPLOYMENT APPEALS BOARD DECISION
2025-EAB-0785**

Affirmed

Benefits Reduced Due to Deductible Income Weeks 24-25 through 47-25

PROCEDURAL HISTORY: On August 8, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant had retirement pay which reduced his unemployment insurance benefits by \$163 per week beginning June 8, 2025 (decision # L0012267956). On August 28, 2025, decision # L0012267956 became final without claimant having filed a request for hearing. On September 17, 2025, claimant filed a late request for hearing that the Office of Administrative Hearings (OAH) treated as timely-filed. On November 24, 2025, ALJ S. Lee conducted a hearing at which the employer failed to appear,¹ and on December 3, 2025 issued Order No. 25-UI-312741, affirming decision # L0012267956. On December 15, 2025, claimant filed an application for review with the Employment Appeals Board (EAB).

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

Under ORS 657.205, most pension or other retirement payments received while collecting unemployment insurance benefits are considered income that must be deducted from an individual's unemployment insurance (UI) weekly benefit amount, so long as the retirement payments are made from a plan that was maintained or contributed to by the individual's base-year employer. In other words, when an individual works for an employer during a period (the base year) and wages paid by that employer during that period are used to qualify the individual for UI benefits, and the individual also draws retirement payments from a plan which the same base-year employer paid into or maintained, those retirement payments are considered deductible from the individual's weekly benefit amount.

¹ The record shows that United Association National Pension Fund, the "employer" of record in this matter, was not actually claimant's employer, but rather the administrator of the pension fund to which claimant's actual employer had contributed.

Claimant's circumstances fit this framework. Claimant was paid wages during his base year (January 1, 2024 through December 31, 2024) from an employer who contributed to his pension fund. Claimant received payments from that pension while he was also claiming UI benefits based on the wages paid to him from the same base-year employer. Thus, the order under review correctly concluded that the apportioned weekly pension payment that claimant received during the period at issue in this matter must be deducted from claimant's weekly benefit amount for each week claimed. Order No. 25-UI-312741 3.

In his written argument, claimant took issue with this outcome, asserting that he "should not be penalized" for receiving the pension payments while he claimed UI benefits because he is not retired and was receiving the pension payments because he is required to take a minimum distribution from the pension plan. Claimant's Written Argument at 2. Although claimant's argument is understandable, whether claimant is "retired" and whether claimant is required to take a minimum distribution from his pension plan or not does not change the outcome in this case. What matters according to the law is that he is *receiving pension payments*, regardless of whether he is retired or not and regardless of whether he is required to take a distribution or not. Similarly, claimant's age is not relevant to this legal issue because the statute applies equally to all individuals who are receiving retirement payments while claiming UI benefits, regardless of their age, so long as their circumstances match those outlined in the statute.

Claimant also asserted in his written argument, "I have worked for [the base-year employer] for four years. Where is the money that I paid in the previous three years? I may never use it, but it is deposited on my behalf from my employer(s)." Claimant's Written Argument at 3. This suggests that claimant misunderstands how UI benefits are funded, and may account for some of his confusion regarding the outcome in this matter. In brief, unemployment insurance is not a savings program whereby an employee (or an employer on their behalf) deposits funds to be drawn on when the employee finds themselves unemployed. Instead, the majority of employers, including all private employers (such as claimant's), pay a tax on their quarterly payroll which is deposited into the State's unemployment insurance trust fund. UI benefits are then paid from that fund.² Only employers pay this tax; it is not paid by employees.

Claimant also asked in his argument why his Social Security benefits are not deducted from his UI benefits. Claimant's Written Argument at 3. That, too, is the direct result of the language of the statute. ORS 657.205(4) states, "If payments referred to in [ORS 657.205(1)] are being received by an individual under the federal Social Security Act, the director shall take into account the individual's contribution and make no reduction in the weekly benefit amount." In other words, unlike retirement payments made from a plan maintained or contributed to by an individual's base year employer, Social Security retirement benefits are *not* considered deductible income for purposes of UI benefits, and therefore are not deducted from any UI benefits claimed.

Finally, claimant asserted in his argument that he had previously collected UI benefits from Washington State, and that in that case his pension payments were not deducted from his UI benefits. Claimant's Written Argument at 4. Claimant should note that UI laws may vary between states and that benefit determinations often turn on case-specific facts as required by the applicable state's laws.

² See generally ORS 657.405 through ORS 657.575.

ADOPTION OF HEARING ORDER: EAB considered the entire hearing record, including witness testimony and any exhibits admitted as evidence. EAB agrees with Order No. 25-UI-312741's findings of fact, reasoning, and conclusion that claimant had retirement pay which reduced his weekly benefit amount by \$163. Order No. 25-UI-312741 is **adopted**. *See* ORS 657.275(2).

DECISION: Order No. 25-UI-312741 is affirmed.

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

DATE of Service: January 22, 2026

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 – សេចក្តីសម្រចនេះមានធនប់ពាល់ធនប់អគ្គប្រយោជន៍គ្មានការងារដើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រចនេះ សូមទាក់ទងគណៈកម្មការខ្លួនណ៍ការងារភ្លាមៗ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រចនេះទេ លោកអ្នកអាជីវការការពិនិត្យឯុទ្ធផ្សែនិងវិញ្ញាបន្ទាយកុលាបខ្លួនណ៍ដូច Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដើម្បីសរសរបៀបងារបញ្ចប់នៃសេចក្តីសម្រចនេះ។

Laotian

ເອົາໃຈໃສ່ – ຄໍາຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄໍາຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນຫັນທີ່. ຖ້າທ່ານບໍ່ເຫັນຕິນໍາຄໍາຕັດສິນນີ້, ທ່ານສາມາດຢືນຄໍາຮ້ອງຂໍການທົບທວນຄໍາຕັດສິນນີ້ສານອຸທອນລັດ Oregon ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນຳທີ່ບອກໄວ້ຢ່າງຍຸດຍຸດຂອງຄໍາຕັດສິນນີ້.

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 بأوريجون و ذلك باتباع الإرشادات المدرجة أسفل القرار.

Farsi

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلافضلہ با هیأت فرجام خواهی استخدام تماس 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.

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