

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0011

Affirmed
Request to Backdate Initial Claim Denied

PROCEDURAL HISTORY: On September 24, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision denying claimant’s request to backdate his initial claim to August 31, 2025 (decision # L0013096056). Claimant filed a timely request for hearing. On December 16, 2025, ALJ Blam conducted a hearing, and on December 23, 2025 issued Order No. 25-UI-315200, affirming decision # L0013096056. On December 26, 2025, claimant filed an application for review of Order No. 25-UI-315200 with the Employment Appeals Board (EAB).

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

In his written argument, claimant asserted, as he suggested at hearing, that the Department “is making [him] have two waiting weeks and not the one per law.” Claimant’s Written Argument at 1. Claimant appears to be referring here to the fact that, as a result of the denial of his request to backdate his initial claim to August 31, 2025, he was not paid benefits for the week of August 31 through September 6, 2025 (week 36-25). However, this fact does not mean that he has been required to serve two waiting weeks.

“Waiting week” does not merely mean a week at or near the beginning of an individual’s benefit year for which the individual has not been paid benefits. Instead, it refers to a specific waiting period required under the law. Under ORS 657.155(1)(d), an individual is eligible to receive benefits for any week only if, in relevant part, they have “been unemployed for a waiting period of one week, unless the Governor has waived the required waiting period as provided in ORS 401.186.”¹ Thus, serving a waiting period of one week—i.e., a “waiting week”—is a prerequisite to being paid benefits for any other week of benefits claimed in a given benefit year. In practical terms, this means that the first week of benefits that an individual claims benefits and *meets all eligibility requirements* will be their waiting week, and they will receive waiting week credit instead of a payment of benefits for that week.

¹ See also OAR 471-030-0045(1)(b) (January 11, 2018).

Based on the initial claim that claimant filed on September 7, 2025, the first week of his benefit year was the week of September 7 through September 13, 2025 (week 37-25).² Department records show that claimant claimed benefits for week 37-25, for which he received waiting week credit.³

The same cannot be said of week 36-25, because that week occurred prior to the beginning of claimant's benefit year. ORS 657.165 states, in relevant part, that "[n]o week shall be counted as a week of unemployment for the purposes of ORS 657.155(1)(d) . . . [u]nless it occurs within the benefit year that includes the week for which the unemployed individual claims payment of benefits." ORS 657.165(1). Likewise, OAR 471-030-0045(1)(a) states, in relevant part, "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[.]" In other words, a weekly claim for benefits (a "continued claim") must directly follow either an initial claim, an additional or reopen claim, or the weekly claim for benefits for the immediately-preceding week. A continued claimant *cannot*, conversely, be paid for a week which occurs before any one of those other types of claims.

Thus, because claimant's initial claim was filed on, and effective beginning, September 7, 2025, OAR 471-030-0045(1)(a) makes claimant ineligible for benefits for the week of August 31 through September 6, 2025. Because claimant was not eligible for benefits for that week, it cannot serve as a waiting week.

To summarize, claimant has not been required to serve two waiting weeks. He has served one (week 37-25), and has been denied benefits for another (week 36-25) because he was not eligible for benefits for that week.

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-315200's findings of fact, reasoning, and denial of claimant's request to backdate his initial claim to August 31, 2025. Order No. 25-UI-315200 is **adopted**. See ORS 657.275(2).

DECISION: Order No. 25-UI-315200 is affirmed.

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

DATE of Service: January 29, 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

² An initial claim is effective the Sunday of the calendar week in which it is filed. OAR 471-030-0040(3) (January 11, 2018).

³ EAB has taken notice of these facts, 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, saying 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.

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

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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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