

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0172

Affirmed
No Claim Redetermination

PROCEDURAL HISTORY: On December 19, 2025, the Oregon Employment Department (the Department) served notice of a wage and potential benefit report (WPBR) concluding that claimant established a monetarily valid claim for unemployment insurance benefits using the regular base year, with a weekly benefit amount (WBA) of \$347 and maximum benefit amount (MBA) of \$9,022 (decision # L0014776288). Claimant filed a timely request for hearing. On January 28, 2026, ALJ Enyinnaya conducted a hearing, and on February 5, 2026 issued Order No. 26-UI-319315, affirming decision # L0014776288. On February 20, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant's argument contained information that was not part of the hearing record and was not relevant and material to EAB's determination of whether the WPBR was subject to redetermination. Under ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), EAB considered only information received into evidence at the hearing. EAB considered any parts of claimant's argument that were based on the hearing record and relevant to the issue before EAB.

FINDINGS OF FACT: (1) On December 17, 2025, claimant filed an initial claim for unemployment insurance benefits with an effective date of December 14, 2025. In the resulting regular base year consisting of the third quarter of 2024 through the second quarter of 2025, claimant's wages from subject employment totaled \$27,792.85, with total base year wages exceeding one and one-half times the wages in the highest quarter of the base year.

(2) Based on claimant's earnings, the WPBR concluded that claimant had a monetarily valid claim for benefits with a WBA of \$347 and a MBA of \$9,022.

(3) Claimant's wages in subject employment during the third quarter of 2025 were greater than the wages earned in the third quarter of 2024, such that claimant would have been entitled to a higher WBA and MBA had those been calculated under an alternate base year. The Department did not use the alternate base year in determining claimant's WBA and MBA because it concluded that he had a monetarily valid claim using the regular base year.

CONCLUSIONS AND REASONS: Claimant's WPBR is not subject to redetermination.

ORS 657.010 provides, in relevant part:

- (1) "Base year" means the first four of the last five completed calendar quarters preceding the benefit year.

* * *

ORS 657.150 provides, in relevant part:

- (1) An individual shall be paid benefits for weeks during the benefit year in an amount that is to be determined by taking into account the individual's work in subject employment in the base year as provided in this section.

- (2) (a) To qualify for benefits an individual must have:

- (A) Worked in subject employment in the base year with total base year wages of \$1,000 or more and have total base year wages equal to or in excess of one and one-half times the wages in the highest quarter of the base year; and

- (B) Have earned wages in subject employment equal to six times the individual's weekly benefit amount in employment for service performed subsequent to the beginning of a preceding benefit year if benefits were paid to the individual for any week in the preceding benefit year.

- (b) If the individual does not meet the requirements of paragraph (a)(A) of this subsection, the individual may qualify for benefits if the individual has worked a minimum of 500 hours in employment subject to this chapter during the base year.

* * *

- (4) (a) An eligible individual's weekly benefit amount shall be 1.25 percent of the total wages paid in the individual's base year. However, such amount shall not be less than the minimum, nor more than the maximum weekly benefit amount.

* * *

- (5) Benefits paid to an eligible individual in a benefit year shall not exceed 26 times the individual's weekly benefit amount, or one-third of the base year's wages paid, whichever is the lesser. If such amount is not a multiple of \$1, it shall be computed to the next lower multiple of \$1.

* * *

ORS 657.152 provides: “Notwithstanding any other provision of this chapter to the contrary, any amount of unemployment compensation payable to any individual for any week if not an even dollar amount, shall be rounded to the next lower full dollar amount.”

ORS 657.173(1)(a) provides: “Notwithstanding ORS 657.010 (1), in the case of an individual who is not eligible for benefits under ORS 657.150 (2) using the definition in ORS 657.010 (1), “base year” means the last four completed calendar quarters preceding the benefit year, if use of this alternate definition of “base year” makes the individual eligible for benefits under ORS 657.150 (2).”

Claimant filed his initial claim for benefits in the fourth quarter of 2025, and under ORS 657.010(1), the regular base year therefore consists of the third quarter of 2024 through the second quarter of 2025. The Department asserted that claimant’s wages in subject employment during the regular base year totaled \$27,792.85; that his total base year wages exceeded one and one-half times the wages in the highest quarter of the base year; that 1.25 percent of \$27,792.85, rounded down to the nearest dollar, resulted in a WBA of \$347; and that 26 times the WBA of \$347 resulted in a MBA of \$9,022, as that amount was lower than one-third of the total base year wages (\$9,264.28). The WPBR accurately reflected these wages and calculations.

Claimant did not dispute the accuracy of any of the above. Instead, he asserted that the alternate base year should be used because it would yield a higher WBA and MBA, and because the WBA calculated using the regular base year was insufficient to meet his financial obligations. However, ORS 657.173(1)(a) allows for use of the alternate base year only “in the case of an individual who is not eligible for benefits under ORS 657.150 (2) using the definition in ORS 657.010 (1)[.]” As claimant’s wages in subject employment during the regular base year exceeded \$1,000 and his total base year wages exceeded one and one-half times the wages in the highest quarter of the base year, he is eligible for benefits under ORS 657.150(2)(a)(A) using the regular base year as defined in ORS 657.010(1). As such, he is not entitled to use the alternate base year. Moreover, the relevant statutes do not provide any need-based exceptions to the procedures for determining benefit amounts. Accordingly, the December 19, 2025 WPBR is accurate and not subject to redetermination.

DECISION: Order No. 26-UI-319315 is affirmed.

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

DATE of Service: April 2, 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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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 محكمة الإستئناف 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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