

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0354**

*Modified*  
*Initial Claim Backdated to Week 50-25*

**PROCEDURAL HISTORY:** On February 13, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant's request to backdate his initial claim to November 30, 2025, was denied (decision # L0016054998). Claimant filed a timely request for hearing. On March 30, 2026, ALJ Micheletti conducted a hearing, and on April 3, 2026, issued Order No. 26-UI-325968, affirming decision # L0016054998. On April 16, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

**EVIDENTIARY MATTER:** At hearing, the ALJ admitted Exhibit 1 into evidence, but failed to mark it, and the order under review erroneously stated that no exhibits were offered or admitted into evidence. Audio Record at 4:58; Order No. 26-UI-325968 at 1. As described by the ALJ, Exhibit 1 is a guardian's report (four pages), a letter from claimant (three pages), a guardian's report for another individual (four pages), an Employment Department message (one page), and another letter from claimant (two pages). Audio Record at 3:05 to 5:00. As a clerical matter, EAB identified Exhibit 1 based on the ALJ's description of it, marked the appropriate documents as Exhibit 1, and posted them in the hearing record.

**WRITTEN ARGUMENT:** Claimant's argument contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented them from offering the information during the hearing. 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.

**FINDINGS OF FACT:** (1) Claimant became unemployed on or about November 30, 2025. Thereafter, he wished to file an initial claim for unemployment insurance benefits but he desired to use Frances Online to file the initial claim and had difficulty creating a Frances Online account.

(2) On December 8, 2025, claimant contacted the Department to request a Frances Online access letter. Claimant needed the access letter to create a Frances Online account.

(3) Thereafter, claimant received the access letter and was able to create his Frances Online account. On December 17, 2025, claimant filed an initial claim for benefits via Frances Online. The Department concluded that claimant had a monetarily valid claim for benefits with a first effective week of December 14, 2025, through December 20, 2025 (week 51-25).

(4) Claimant believed that the Department should have determined the first effective week of his claim to be the week of November 30, 2025 to December 6, 2025 (week 49-25), the week he first became unemployed. Claimant attempted to call the Department many times to ask for clarification about his initial claim and request that the Department backdate it, but could not get through to a representative because of high call volume.

(5) On January 28, 2026, claimant called the Department and reached a Department representative. At that time claimant requested to backdate his initial claim to week 49-25. The Department denied the request.

**CONCLUSIONS AND REASONS:** Order No. 26-UI-325968 is modified. Claimant’s request to backdate his initial claim to week 49-25 is denied. However, claimant’s initial claim is backdated to the week of December 7, 2025 through December 13, 2025 (week 50-25), the week claimant made a documented contact with the Department by requesting a Frances Online access letter.

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;

\* \* \*

(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.

\* \* \*

The order under review concluded that it was appropriate to deny claimant's request to backdate his initial claim to week 49-25. Order No. 26-UI-325968 at 2. However, because claimant made a documented contact with the Department by requesting a Frances access letter on December 8, 2025, backdating claimant's initial claim to the week of December 7, 2025 through December 13, 2025 (week 50-25) is warranted.

Under OAR 471-030-0040(3), an initial claim is effective the Sunday of the calendar week in which it is filed. Therefore, because claimant filed his initial claim on Wednesday December 17, 2025, the Department determined that the first effective week of claimant's claim was the week of December 14, 2025, through December 20, 2025 (week 51-25). However, under certain circumstances, the Department is authorized under OAR 471-030-0040(1)(e) to backdate an initial claim by changing the initial claim's effective date to reflect filing in a prior week.

Under OAR 471-030-0040(1)(e), backdating may occur based upon evidence of an individual's documented contact on the prior date with the Department. Here, claimant contacted the Department to request a Frances Online access letter on December 8, 2025, which was during the week of December 7, 2025 through December 13, 2025 (week 50-25). This was a documented contact with the Department, and backdating claimant's initial claim to week 50-25 is therefore warranted.

Accordingly, Order No. 26-UI-325968 is modified. Claimant's request to backdate his initial claim to week 49-25 is denied. However, because claimant made a documented contact with the Department on December 8, 2025, claimant's initial claim is backdated to week 50-25.

**DECISION:** Order No. 26-UI-325968 is modified, as outlined above.

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

**DATE of Service:** May 26, 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 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.

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