

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0371

Modified
Request to Reopen Hearing Allowed
Additional Claim Effective July 20, 2025 (Week 30-25)

PROCEDURAL HISTORY: On September 25, 2025, the Oregon Employment Department (the Department) served notice of an administrative decision denying claimant's request to backdate an additional claim for unemployment insurance benefits to be effective June 29, 2025 (decision # L0013170293). Claimant filed a timely request for hearing. On December 17, 2025, notice was mailed to claimant that a hearing was scheduled for December 31, 2025. On December 31, 2025, claimant failed to appear for the hearing, and ALJ Blam issued Order No. 25-UI-315833, dismissing claimant's request for hearing due to her failure to appear. On January 14, 2026, claimant filed a timely request to reopen the hearing. On March 16, 2026 and continuing on March 31, 2026, ALJ Blam conducted a hearing, and on April 8, 2026 issued Order No. 26-UI-326408, cancelling Order No. 25-UI-315833, allowing claimant's request to reopen, and affirming decision # L0013170293 on the merits. On April 19, 2026, claimant filed an application for review of Order No. 26-UI-326408 with the Employment Appeals Board (EAB).

EVIDENTIARY MATTERS: EAB has considered additional evidence when reaching this decision under OAR 471-041-0090(1) (May 13, 2019). The additional evidence is a copy of the May 5, 2025 administrative decision # L0010588361, has been marked as EAB Exhibit 1, and provided to the parties with this decision. 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 exhibit will remain in the record.

Additionally, claimant submitted a nine-page document at hearing that the ALJ admitted as evidence, stating that it would be added to the existing Exhibit 1. March 31, 2026 Audio Record at 5:30. However, the document was not marked. EAB was able to identify this document from the record and has marked it as Exhibit 2.

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

PARTIAL ADOPTION: EAB considered the entire hearing record, including witness testimony and any exhibits admitted as evidence. EAB agrees with the part of Order No. 26-UI-326408 allowing claimant's request to reopen the December 31, 2025 hearing. That part of Order No. 26-UI-326408 is **adopted**. See ORS 657.275(2).

FINDINGS OF FACT: (1) On April 4, 2025, claimant filed an initial claim for unemployment insurance benefits that the Department determined was monetarily valid. Claimant thereafter claimed benefits through the week of April 13 through 19, 2025 (week 16-25).

(2) On May 5, 2025, the Department issued decision # L0010588361, concluding that claimant was disqualified from receiving benefits based on a work separation. Claimant filed a timely request for hearing. Decision # L0010588361 stated, "Continue to turn in your claim for weekly benefits during the appeal process." EAB Exhibit 1 at 3. However, claimant mistakenly believed that she should not file weekly claims while the appeal was pending, and that she could later file backdated claims if the appeal was successful.

(3) Following a hearing, an order was issued affirming decision # L0010588361. Claimant filed an application for review of the order with EAB. On July 18, 2025, EAB issued EAB Decision 2025-EAB-0355, reversing the order by concluding that claimant was not disqualified from receiving benefits based on the work separation.¹

(4) On July 20, 2025, after claimant received EAB Decision 2025-EAB-0355, she sent a message to the Department using Frances Online that stated, in relevant part, "I got an email dated July 18 2025, that states Reversed, no disqualification. Does this mean I can apply for unemployment? if so, I have not been filing weekly claims since my claim got denied. Can I go back and submit for those weeks?" Exhibit 2 at 4. The Department did not respond to the message until August 28, 2025.

(5) On September 12, 2025, claimant filed an additional claim for benefits. The Department backdated the effective date of that claim one week to August 31, 2025.

(6) On September 24, 2025, claimant requested that the Department further backdate the effective date of the additional claim to June 29, 2025 (week 27-25). The Department denied the request.

CONCLUSIONS AND REASONS: The effective date of claimant's additional claim is backdated to July 20, 2025.

OAR 471-030-0040 (January 11, 2018) provides, in relevant part:

(1) As used in these rules, unless the context requires otherwise:

* * *

¹ EAB has taken notice of these facts, which are contained in EAB and Employment Department records. OAR 471-041-0090(1). Any party that objects to EAB taking notice of this information must send their objection to EAB in writing, stating 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.

(c) “Additional claim” is a claim 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 to the end of a period of employment;

* * *

(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.

* * *

Claimant filed an additional claim on September 12, 2025, after having last claimed benefits for the week of April 13 through 19, 2025. Under OAR 471-030-0040(3), the Department backdated the effective date of the additional claim one week, to August 31, 2025. Claimant thereafter requested further backdating to June 29, 2025 (week 27-25). The order under review concluded that claimant was not entitled to backdate the effective date of the additional claim to week 27-25 because it was not filed that week or the following week. Order No. 26-UI-326408 at 4. While the record supports this conclusion, the order did not consider whether the evidence supported backdating to a later week.

Claimant asserted that she did not file her additional claim during week 27-25 because she had a pending appeal of an administrative decision that denied her benefits and thought that she should not file any claims until the appeal was resolved. Claimant was mistaken in that belief, and the administrative decision she appealed specifically stated that she should continue to file weekly claims during the appeals process. EAB Exhibit 1 at 3. OAR 471-030-0040 does not contain any “good cause” or “excusable mistake” exceptions to the requirement that additional claims be filed during, or within one week after, the desired effective date of that claim. Therefore, the effective date of the claim cannot be backdated earlier than August 31, 2025 based on claimant’s mistaken understanding of filing requirements.

However, OAR 471-030-0040(3)(e) allows backdating the effective date of an additional claim more than one week “based upon evidence of the [claimant’s] documented contact on the prior date with the Employment Department[.]” The record shows that claimant had documented contact with the Department on July 20, 2025, in which she expressed a desire to file one or more weekly claims after learning that her appeal regarding the work separation had been successful. Based on that documented contact, claimant is entitled to backdate to that week. Accordingly, the effective date of the additional claim is backdated to July 20, 2025 (week 30-25).

DECISION: Order No. 26-UI-326408 is modified, as outlined above.

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

DATE of Service: June 1, 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 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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