

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0391**

*Affirmed*  
*Request for Hearing Allowed*  
*Claim Monetarily Nonvalid*

**PROCEDURAL HISTORY:** On October 17, 2025, the Oregon Employment Department (the Department) served notice of a Wage and Potential Benefit Report (WPBR) concluding that claimant did not have a monetarily valid claim for benefits because she did not have sufficient hours and wages in subject employment in her base year (decision # L0013402150). On October 17, 2025, claimant submitted a filing that the Department did not consider to be a request for hearing. On October 27, 2025, decision # L0013402150 became final without the Department having recognized claimant's timely request for hearing.

On December 21, 2025, claimant filed a late request for hearing on decision # L0013402150. ALJ Kangas considered that request, and on February 23, 2026 issued Order No. 26-UI-321140, dismissing the request as late, subject to claimant's right to renew the request by responding to an appellant questionnaire by March 9, 2026. On March 9, 2026, claimant filed a timely response to the appellant questionnaire. On March 19, 2026, the Office of Administrative Hearings (OAH) mailed a letter stating that Order No. 26-UI-321140 was vacated and that a hearing would be scheduled to determine whether to allow claimant's late request for hearing and, if so, the merits of decision # L0013402150.

On April 16, 2026, ALJ Scott conducted a hearing and issued Order No. 26-UI-327400, concluding that claimant's October 17, 2026 submission constituted a timely request for hearing on decision # L0013402150, and affirming decision # L0013402150 on the merits. On April 22, 2026, claimant filed an application for review of Order No. 26-UI-327400 with the Employment Appeals Board (EAB).

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

cancellation of claimant's claim,<sup>1</sup> is not relevant and material to EAB's determination of whether claimant's claim should be redetermined. ORS 657.275(2) and OAR 471-041-0090(1)(b)(A) (May 13, 2019). Under ORS 657.275(2) and OAR 471-041-0090, 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.

**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-327400 allowing claimant's request for hearing as timely filed. That part of Order No. 26-UI-327400 is **adopted**. See ORS 657.275(2).

**FINDINGS OF FACT:** (1) On October 15, 2025, claimant filed an initial claim for benefits in Oregon, with an effective date of October 12, 2025. Claimant's base year was determined to be the third quarter of 2024 through the second quarter of 2025 (July 1, 2024 through June 30, 2025). The Department determined that claimant did not have a monetarily valid claim.

(2) Claimant was employed by the Federal government, administering disaster-relief loans under a Small Business Administration (SBA) program. This work required claimant to travel around the country to various disaster-stricken locations. Claimant worked in Oregon for much of her base year, until she was assigned to work in North Carolina in December 2024. After North Carolina, claimant was sent to work in Texas for some time. Claimant was then sent to work in Louisiana, where she also maintained an address. The Louisiana assignment, which ended in October 2025, was claimant's last assignment before she separated from employment with the SBA.

**CONCLUSIONS AND REASONS:** Claimant did not have federal wages assignable to Oregon, and her claim for benefits is therefore monetarily nonvalid.

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.

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<sup>1</sup> The cancellation of claimant's claim is not an issue that is before EAB, as it was not addressed in the underlying administrative decision, included on the notice of hearing, or addressed at hearing. To the extent that claimant wishes to further pursue this concern, she is advised to contact the Department directly.

(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.

20 CFR § 609.8 states, in relevant part:

(a) The applicable State. The applicable State for an individual shall be the State to which the individual's Federal civilian service and Federal wages are assigned or transferred under this section. The applicable State law for the individual shall be the State law of such State.

(b) Assignment of service and wages.

(1) An individual's Federal civilian service and Federal wages shall be assigned to the State in which the individual had his or her last official station prior to filing a first claim unless:

(i) At the time a first claim is filed the individual resides in another State in which, after separation from Federal civilian service, the individual performed service covered under the State law, in which case all of the individual's Federal civilian service and wages shall be assigned to the latter State; or

(ii) Prior to filing a first claim an individual's last official station was outside the States, in which case all of the individual's Federal civilian service and Federal wages shall be assigned to the State in which the individual resides at the time the individual files a first claim, provided the individual is personally present in a State when the individual files the first claim.

(2) Federal civilian service and wages assigned to a State in error shall be reassigned for use by the proper State agency. An appropriate record of a reassignment shall be made by the State agency which makes the reassignment.

(3) Federal civilian service and Federal wages assigned to a State shall be transferred to another State where such transfer is necessary for the purposes of a combined-wage claim filed by an individual.

\* \* \*

At issue in this matter is whether claimant had sufficient hours or wages to form a monetarily-valid claim in Oregon. The order under review correctly concluded that claimant did not, because the federal wages claimant earned in her base year should not be assigned to Oregon. Order No. 26-UI-327400 at 4. At hearing and in her written argument, claimant asserted otherwise, suggesting that because she had worked in Oregon in her base year, the wages should be assigned to Oregon. Audio Record at 21:35; Claimant's Written Argument at 5–6. This assertion is not supported by the applicable authority.

While claimant did work in Oregon during her base year, the law is clear that the base year is not the relevant period to consider when determining which state the wages should be assigned to. Under 20 CFR § 609.8(b)(1), federal wages are, with two exceptions, assigned to the last official duty station where the individual was working prior to filing their claim. The record shows that claimant worked in Oregon until some point in 2024, but thereafter continued to work for the SBA in multiple other states. The last of those states in which claimant was working, through October 2025, was Louisiana. Claimant filed her initial claim for benefits shortly thereafter, on October 15, 2025. As such, Louisiana was claimant's last official duty station.

Neither of the exceptions under 20 CFR § 609.8(b)(1) apply to claimant's circumstances. The record does not show that claimant worked in employment covered by state law, after separating from the SBA but prior to filing her initial claim. Neither does it show that claimant's last duty station prior to the filing of her initial claim was outside of the United States. Because neither of the exceptions under 20 CFR § 609.8(b)(1) apply, the state in which claimant's last duty station was located prior to the filing of the initial claim is the state to which her federal wages should be assigned. Because that state was Louisiana, Louisiana is the state to which her federal wages should be assigned, and claimant cannot use her federal wages as the basis for an Oregon claim. Further, the record lacks evidence to show that claimant had any other wages reported in Oregon during her base year. Therefore, claimant did not have sufficient wages or hours in her base year to form a monetarily valid Oregon claim.

**DECISION:** Order No. 26-UI-327400 is affirmed.

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

**DATE of Service:** June 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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# 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 الاستئناف 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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