

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0526

Affirmed
Late Claims for Benefits Denied
Ineligible Weeks 04-26 and 07-26

PROCEDURAL HISTORY: On March 11, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant filed a late claim for unemployment insurance benefits for the week of January 25 through January 31, 2026 (week 04-26), and was ineligible for benefits for that week (decision # L0016569162). Also on March 11, 2026, the Department served notice of an administrative decision concluding that claimant filed a late claim for benefits for the week of February 15, 2026 to February 21, 2026 (week 07-26), and was ineligible for benefits for that week (decision # L0016565201). Claimant filed timely requests for hearing on decisions # L0016569162 and L0016565201. On May 12, 2026, ALJ Micheletti conducted a hearing, and on May 14, 2026 issued Orders No. 26-UI-330241 and 26-UI-330242, respectively affirming decisions # L0016569162 and L0016565201. On May 20, 2026, claimant filed applications for review of Orders No. 26-UI-330241 and 26-UI-330242 with the Employment Appeals Board (EAB).

EAB combined its review of Orders No. 26-UI-330241 and 26-UI-330242 under OAR 471-041-0095 (October 29, 2006). For case-tracking purposes, this decision is being issued in duplicate (EAB Decisions 2026-EAB-0526 and 2026-EAB-0525).

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

FINDINGS OF FACT: (1) On January 14, 2026, claimant filed an initial claim for unemployment insurance benefits. The Department determined that claimant had a monetarily valid claim for benefits.

(2) Claimant's work separation that preceded the filing of his initial claim was complex. Because of the complexity, claimant was confused as to whether he was doing things correctly. When claimant attempted to use his Frances Online account to claim a week of benefits, he was sometimes prompted to answer follow-up questions or requested to fill out online forms about different aspects of the work separation or his eligibility. Claimant was concerned about the risk of giving inaccurate information in the forms, and as a result he was hesitant about claiming weeks of benefits via Frances Online. Claimant also experienced some difficulties logging into his Frances Online account because he had created a

separate account associated with his role as an employer through a non-profit organization he had recently founded.

(3) Under the Department's rules, to claim a week of benefits timely, claimant needed to file his claim no later than seven days after the end of the week. For example, if claimant wished to receive benefits for the week of January 25 through January 31, 2026 (week 04-26), he needed to file his claim for that week during the period of February 1 through February 7, 2026. Likewise, if claimant wished to receive benefits for the week of February 15, 2026 to February 21, 2026 (week 07-26), he needed to file his claim for that week during the period of February 22 through February 28, 2026.

(4) Claimant wished to claim benefits for week 04-26. On February 2 and 3, 2026, claimant accessed the weekly claim form for week 04-26 via Frances Online and reached the final step to submit the claim form, but refrained from taking the final step to file. Claimant did not take the final step to file because of his confusion and hesitancy about the risk of giving incorrect information in response to follow-up questions about his eligibility. If claimant had completed the process of claiming on February 2 and 3, 2026, his claim for week 04-26 would have been timely.

(5) Claimant wished to claim benefits for week 07-26. On February 23 and 25, 2026, claimant accessed the weekly claim form for week 07-26 via Frances Online and reached the final step to submit the claim form, but refrained from taking the final step to file. Claimant did not take the final step to file because of his confusion and hesitancy about the risk of giving inaccurate information in response to the follow-up questions about his eligibility. If claimant had completed the process of claiming on February 23 and 25, 2026, his claim for week 07-26 would have been timely.

(6) On March 3, 2026, claimant contacted the Department via Frances Online to complain about his log-in difficulties resulting from the fact that he had dual accounts. On March 9, 2026, claimant called the Department and reached a representative. On that date, with the representative's assistance, claimant filed late claims for benefits for week 04-26 and week 07-26. These are the weeks at issue. The Department did not pay claimant for the weeks at issue.

CONCLUSIONS AND REASONS: Claimant filed late claims for benefits for the weeks of January 25 through January 31, 2026 (week 04-26) and February 15, 2026 to February 21, 2026 (week 07-26), and therefore is not entitled to receive benefits for those weeks.

Claimant has the burden to prove that the Department should have paid benefits. *See Nichols v. Employment Division*, 24 Or App 195, 544 P2d 1068 (1976) (Where the Department has paid benefits it has the burden to prove benefits should not have been paid. By logical extension of that principle, where benefits have not been paid claimant has the burden to prove that the Department should have paid benefits.).

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 471-030-0045 (January 11, 2018) provides, in relevant part:

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

(a) “Continued Claim” means an application that certifies to the claimant’s completion of one or more weeks of unemployment and to the claimant’s status during these weeks. The certification may request benefits, waiting week credit, or non-compensable credit for such week or weeks. 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[.]

* * *

(4) A continued claim must be filed no later than seven days following the end of the week for which benefits, waiting week credit, or noncompensable credit, or any combination of the foregoing is claimed, unless:

(a) The continued claim is for the first effective week of the benefit year, in which case the week must be claimed no later than 13 days following the end of the week for which waiting week credit is claimed[.]

* * *

Under OAR 471-030-0045(3), a continued claim may be filed in person at any Department office in the state of Oregon, by United States mail, by fax, by internet, or by telephone.

The continued claim for benefits for week 04-26 was due by February 7, 2026, seven days after the end of that week. The continued claim for benefits for week 07-26 was due by February 21, 2026, seven days after the end of that week. Claimant filed his claims for the weeks at issue on March 9, 2026, and the claims therefore were late. Claimant did not file the claims within the seven-day period following each of the weeks at issue because of his confusion and hesitancy about the risk of giving incorrect information in response to follow-up questions Frances Online had sometimes been prompting him to answer.

Claimant’s general confusion about how to respond to questions while attempting to file weekly claims prevented him from completing the process of timely claiming each of the weeks at issue. However, there is generally no “good cause” exception to the requirement that a weekly claim be filed within seven days following the end of the week being claimed. Further, to the extent claimant’s efforts to claim through Frances Online were complicated by prompts to answer follow-up questions or log-in difficulties resulting from the fact that claimant had dual accounts, OAR 471-030-0045 also authorizes the filing of claims by telephone, mail, fax, and in person. For example, claimant could have timely claimed the weeks at issue by printing out the claim forms for weeks 04-25 and 07-26, and faxing or mailing the completed forms to the Department,¹ or by going in-person to a WorkSource office and completing the forms there.

¹ A printable claim form is available at <https://unemployment.oregon.gov/weekly-claims>.

For these reasons, the weekly claims for benefits for weeks 04-26 and 07-26 were filed late and claimant therefore is ineligible for benefits for those weeks.

DECISION: Orders No. 26-UI-330241 and 26-UI-330242 are affirmed.

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

DATE of Service: July 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 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 دستورالعمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

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