

EMPLOYMENT APPEALS BOARD DECISION
2026-EAB-0643

Affirmed
Request to Backdate Initial Claim Denied

PROCEDURAL HISTORY: On June 16, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision denying claimant's request to backdate her initial claim for benefits to March 8, 2026 (decision # L0018257655). Claimant filed a timely request for hearing. On July 2, 2026, ALJ Enyinnaya conducted a hearing and issued Order No. 26-UI-334177, affirming decision # L0018257655. On July 9, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

WRITTEN ARGUMENT: Claimant submitted two written arguments on July 9, 2026.¹ Both of claimant's arguments contained information that was not part of the hearing record and did not show that factors or circumstances beyond claimant's reasonable control prevented her 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 arguments that were based on the hearing record.

FINDINGS OF FACT: (1) Claimant worked for Portland Community College. On March 11, 2026, claimant's union went on strike. At the time, claimant did not know how long the strike would last and thought she might be going back to work the following week, and therefore was not sure whether she needed to claim unemployment insurance benefits. Claimant sought advice from her union regarding claiming benefits. The union advised her to "file a claim for each week after the [first week of the strike] is over," but "did not tell [her] to file [for] unemployment the first week." Exhibit 1 at 4. Claimant was not aware at that time that initial claims are deemed effective during the week in which they are filed, and instead believed that she was required to file her initial claim the week *after* the week in which she wished it to be effective.

¹ One of the arguments consists of 15 pages, including attachments, while the other consists of six pages, including attachments. For the sake of this decision, the former is referred to as Claimant's First Written Argument, and the latter as Claimant's Second Written Argument.

(2) On March 17, 2026, claimant attempted to file an initial claim via Frances Online. However, she was unable to do so that day because the system indicated that she would need an “identity verification letter,” which would arrive by mail, before she could proceed.² Exhibit 1 at 4. On or around March 26, 2026, claimant received the letter. On March 26, 2026, claimant logged into Frances Online and filed her initial claim.

(3) On April 21, 2026, claimant contacted the Department and requested to backdate her initial claim to March 8, 2026.

CONCLUSIONS AND REASONS: Claimant’s request to backdate her initial claim to March 8, 2026 is denied.

OAR 471-030-0040 (January 11, 2018) states (emphasis added):

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

(a) “Claimant” is an individual who has filed an initial, additional, or reopened claim for unemployment insurance purposes within a benefit year or other eligibility period;

(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.

² The record contains conflicting accounts of what this letter actually was, and it is not clear if the letter required claimant to verify her identity or take some other step to access Frances Online. The outcome in this matter does not turn on the true purpose of the letter, however.

* * *

On March 26, 2026, claimant filed an initial claim for benefits. Per OAR 471-030-0040(3), the effective date of that initial claim would typically have been March 22, 2026, as that was the Sunday of the week during which claimant filed her initial claim. The record suggests, however, that the Department at some point backdated claimant's initial claim to March 15, 2026. This was presumably because claimant had made an attempt to file her initial claim on March 17, 2026 but was prevented from doing so due to the letter she needed to access Frances Online.

Regardless, at issue in this matter is claimant's April 21, 2026 request to backdate her initial claim one week further, to March 8, 2026. This was the week in which her union's strike began, and thus the first week in which she was unemployed. The Department denied claimant's request to backdate her initial claim to March 8, 2026. The record shows that this denial was proper.

Under OAR 471-030-0040(1)(e), backdating of an initial claim is permitted when there is "evidence of the individual's documented contact on the prior date" with the Department, "or as otherwise provided" in that rule. However, the record does not show that there was any evidence of claimant having contacted, or even having attempted to contact, the Department during the week of March 8, 2026. The rule does not currently include any other circumstances under which the backdating of an initial claim is permitted. It does not, for instance, include a "good cause" exception.

Claimant did not file an initial claim during the first week of being unemployed. The record suggests that she did not do so for two reasons. First, during the first week of being unemployed, claimant was not certain how long the strike would continue and therefore did not know whether she would need to file for benefits. While such uncertainty is understandable, it does not qualify as the type of circumstance under which backdating of an initial claim is permitted.

Second, claimant's union advised her to "file a claim for each week after the [first week of the strike] is over," but they "did not tell [her] to file [for] unemployment the first week," and claimant was not otherwise aware of when initial claims became effective. In essence, claimant was given misleading or incomplete advice from her union, and did not, herself, know what the administrative rule required.

In her written arguments, claimant argued that she should be eligible to backdate her initial claim because she was unaware of the rule's requirements and had not been explicitly advised of what they contained. Quoting OAR 471-030-0040(3), claimant then asserted, "However, without reading this Oregon Administrative Rule directly, a claimant such as myself would not know about this rule." Claimant's First Written Argument at 1. While that may be true, claimant did not show that she was prevented from reading that rule at an earlier point in time. Claimant likewise failed to show that she was prevented in any way from filing, or attempting to file, an initial claim during the week of March 8, 2026, or that she had any reason to believe that she could be penalized for doing so.

In any case, as noted above, there is no "good cause" basis for allowing the backdating of an initial claim. As such, and because claimant's circumstances do not otherwise permit for backdating her initial claim to March 8, 2026, claimant's backdating request is denied.

DECISION: Order No. 26-UI-334177 is affirmed.

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

DATE of Service: August 17, 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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