

**EMPLOYMENT APPEALS BOARD DECISION**  
**2026-EAB-0772**

*Affirmed*  
*Request to Backdate Denied*

**PROCEDURAL HISTORY:** On July 27, 2026, the Oregon Employment Department (the Department) served notice of an administrative decision denying claimant's request to backdate the effective date of his initial claim to May 17, 2026 (decision # L0018926956). Claimant filed a timely request for hearing. On August 24, 2026, ALJ Frank conducted a hearing, and on August 27, 2026 issued Order No. 26-UI-338412, affirming decision # L0018926956. On August 30, 2026, claimant filed an application for review with the Employment Appeals Board (EAB).

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

**FINDINGS OF FACT:** (1) On May 15, 2026, claimant's employer notified him that he would no longer be permitted to perform services but would be paid through June 1, 2026. Claimant was uncertain as to whether the Department would consider the employment relationship to have ended on May 15, 2026 or June 1, 2026, or whether the payments for the period after May 15, 2026 would be treated as remuneration. Claimant looked for answers to these questions online but did not actually communicate with the Department until June 2, 2026.

(2) On June 2, 2026, claimant spoke with a Department representative by phone and was told that the work separation had likely occurred on May 15, 2026, that the payments for the period thereafter would likely be considered severance pay rather than remuneration, and that he should file an initial claim for benefits. That day, claimant filed an initial claim for benefits using Frances Online. The Department determined that the claim was monetarily valid with an effective date of May 31, 2026. Claimant had not logged into his Frances Online account in 2026 prior to June 2, 2026. Claimant later requested that the effective date be backdated to May 17, 2026.

**CONCLUSIONS AND REASONS:** Claimant's request to backdate the effective date of the initial claim is denied.

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.

\* \* \*

Claimant’s initial claim for benefits was filed on June 2, 2026, and under OAR 471-030-0040(3), was effective the Sunday of that week, May 31, 2026. While under OAR 471-030-0040(3) a claimant is entitled to backdate the effective date of an additional or reopened claim by one week, such is not the case for initial claims. OAR 471-030-0040(1)(e) provides that the effective date of initial claims can be backdated only “based upon evidence of the individual's documented contact on the prior date with the Employment Department or with any other state Workforce agency[.]” Therefore, for claimant to be entitled to any backdating, the record must show documented contact with the Department during either the week of May 17, 2026 or May 24, 2026. The hearing record fails to show such contact. The Department’s witness testified that there was no record of claimant contacting the Department in 2026 prior to June 2, 2026, and claimant did not rebut that testimony. Audio Record at 7:39; 17:31.

In his written argument, claimant suggested that OAR 471-030-0040(1)(e) provided a basis for backdating the initial claim and wrote, “Claimant called to ask when and how he should file, and was told to file in June. Claimant relied on that instruction in good faith and filed his initial claim on June 2, 2026, promptly after being told to do so.” Claimant’s Written Argument at 2. Claimant also requested “that the Department be asked to check its records for this call.” Claimant’s Written Argument at 2. It is

somewhat unclear whether claimant is now asserting that he spoke with a Department representative by phone on another occasion prior to June 2, 2026, and if so, whether he is asserting that the conversation occurred during the week of May 17, 2026, or May 24, 2026, or at some other time. However, even if claimant is asserting that he spoke with a representative during either the week of May 17, 2026 or May 24, 2026, and EAB considered this information as additional evidence,<sup>1</sup> it would not establish by a preponderance of the evidence that a *documented* contact occurred during either of those weeks. As previously mentioned, the Department's witness testified that she reviewed call logs and saw no documentation of claimant having spoken with a representative by phone in 2026 prior to June 2, 2026. Moreover, claimant was specifically asked at hearing, "Did you call or make any contact with [the Department] before June 2nd?" and claimant replied:

I did and I don't know the exact form or modality of that. I know that every time I called, unfortunately, it's got that really, really long queue so I . . . don't know if I had ever actually gotten through the queue and spoken with someone on June 2nd, but I want to say I used the actual Frances Online system to look at your FAQ guide, help articles, things like that. Which, at the time. . . maybe felt slightly unclear which was why I decided. . . I'm going to stop self-servicing here and I'm just going to call them on June 2nd and get the answer, and the woman that I spoke with told me.

Audio Record at 14:42. In light of the foregoing testimony, claimant's post-hearing suggestion that there might have been an earlier phone discussion with a Department representative would, if considered by EAB, be insufficient to rebut the evidence at hearing showing that there was no documented contact between claimant and a Department representative prior to June 2, 2026. Merely viewing general claims information online is not a "documented contact" within the meaning of the rule. Accordingly, OAR 471-030-0040(1)(e) does not allow for backdating the effective date of the initial claim.

Claimant also argued that, due to his initial uncertainty regarding his eligibility for benefits due to his employer disallowing him to work but continuing to pay him for approximately two additional weeks, "[t]he equities support backdating" the effective date to May 17, 2026. Claimant's Written Argument at 3. However, OAR 471-030-0040 does not provide any "good cause" or equity-based exceptions to the filing deadline for initial claims, and entitlement to backdating is limited to that specifically authorized under OAR 471-030-0040(1)(e).

For these reasons, claimant's request to backdate the effective date of his initial claim is denied.

**DECISION:** Order No. 26-UI-338412 is affirmed.

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

**DATE of Service:** October 9, 2026

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<sup>1</sup> See ORS 657.275(2) and OAR 471-041-0090 (May 13, 2019), providing that EAB may consider information offered by a party that is not in the hearing record if that party shows that the information is relevant and material and that factors or circumstances beyond their reasonable control prevented them from offering the information during the hearing.

**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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