

**EMPLOYMENT APPEALS BOARD DECISION**  
**2014-EAB-0014**

*Application for Review Dismissed*

**PROCEDURAL HISTORY:** On September 18, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 152634). Claimant filed a timely request for hearing. On November 26, 2013, ALJ R. Frank conducted a hearing, and on December 13, 2013, issued Hearing Decision 13-UI-06339, affirming the Department's decision. On January 2, 2013, Hearing Decision 13-UI-06339 became final without an application for review having been filed. On January 3, 2013, claimant filed by facsimile an application for review with the Employment Appeals Board (EAB).

**CONCLUSIONS AND REASONS:** Claimant did not establish good cause to file an untimely application for review, and his application for review should be dismissed.

ORS 657.270(4) required claimant's application for review to be filed no later than 5:00 p.m., Pacific Standard Time on January 2, 2014; it was filed on January 3, 2014, as shown by the receipt date stamped on the document. OAR 471-041-0065 (1)(c) (October 29, 2006) (faxes documents received after 5:00 p.m. are marked as received the following business day; the filing date of applications for review filed by facsimile is the receipt date stamped or written on the facsimile transmission by the public employee who received the document). OAR 471-041-0070(3) requires that individuals filing late applications for review include with the late application "a written statement describing the circumstances that prevented a timely filing." Claimant provided a written argument addressing the work separation but did not provide any explanation as to why he filed his application after 5:00 p.m., Pacific Standard Time which was after the filing deadline expired.

Because the application for review was filed after the 20-day deadline provided by ORS 657.270(4), and good cause to extend the time allowed has not been shown, the application for review must be dismissed.

**DECISION:** The application for review filed January 3, 2014 is dismissed. Hearing Decision 13-UI-06339 remains undisturbed.

Tony Corcoran and D. E. Larson;  
Susan Rossiter, not participating.

**DATE of Service: January 7, 2014**

**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 listed above. *See* ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem, Oregon 97310, or visit the website at <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.

Note: the above link may be broken due to unannounced changes to the Court of Appeals website, in which case you may contact the Appellate Records at (503) 986-5555.