

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0015

Application for Review Dismissed

PROCEDURAL HISTORY: On September 4, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision assessing a \$1,750 overpayment, \$262.50 in monetary penalties, and 14 penalty weeks based on unreported work and earnings (decision # 194238). Claimant filed a timely request for hearing. On November 21, 2013, ALJ Sime conducted a hearing, and on December 9, 2013, issued Hearing Decision 13-UI-05982, affirming the Department's decision. On December 30, 2013, Hearing Decision 13-UI-05982 became final without an application for review having been filed. On January 2, 2014, claimant filed 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 December 30, 2013; it was filed on January 2, 2014, as shown by the postmarked date affixed to the envelope in which the application for review was mailed. OAR 471-041-0065 (October 29, 2006). 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 did not provide any explanation as to why he filed his application three days 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 December 30, 2013 is dismissed. Hearing Decision 13-UI-05982 remains undisturbed.

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

DATE of Service: January 8, 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.