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State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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VQ 005.00

<p align="center">EMPLOYMENT APPEALS BOARD DECISION 2014-EAB-0062</p>

Application for Review Dismissed
Aplicación para Revisión Despedida

PROCEDURAL HISTORY: On November 14, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 122921). Claimant filed a timely request for hearing. On December 17, 2013, ALJ Holmes-Swanson conducted a hearing, and on December 19, 2013, issued Hearing Decision 13-UI-06866, concluding the employer discharged claimant for misconduct. On January 8, 2014, Hearing Decision 13-UI-06866 became final without an application for review having been filed. On January 9, 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 January 8, 2014; it was filed on January 9, 2014, as shown by the postmark date affixed to the envelope in which it was mailed. OAR 471-040-0065(1)(b) (October 29, 2006) (if mailed, the filing date is the postmark date on the envelope in which the application for review was mailed). 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 one day 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 9, 2014 is dismissed. Hearing Decision 13-UI-06866 remains undisturbed.

La solicitud de revisión presento en January 9, 2014 es sobreseído. Decisión de la Audiencia 13-UI-06866 queda no afectado.

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

DATE of Service: January 15, 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.

NOTA: *Usted puede apelar esta decisión presentando una solicitud de revisión judicial ante el Tribunal de Apelaciones de Oregon dentro de los 30 días siguientes a la fecha de notificación enumerados anteriormente. Ver ORS 657.282. Para obtener formularios e información, puede escribir a la (Oregon Court of Appeals, Records Section) Corte de Apelaciones de Oregon, Sección de Registros, 1163 State Street, Salem, Oregon 97310, o visitando el sitio en el Internet en <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.*

Nota: el vínculo anterior puede no funcionar debido a cambios sin previo aviso al sitio en el Internet de la Corte de Apelaciones, dádose el caso puede ponerse en contacto con el Registro de Apelaciones (Appellate Records) al (503) 986-5555.