

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0151

Application for Review Dismissed

PROCEDURAL HISTORY: On September 5, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 73423). Claimant filed a timely request for hearing. On October 28, 2013, the Office of Administrative Hearings (OAH) issued notice of a hearing scheduled for November 5, 2013 at 3:30 p.m. On November 7, 2013, ALJ Vincent issued Hearing Decision 13-UI-04122, dismissing claimant's request for hearing for failure to appear. On November 20, 2013, claimant filed a timely request to reopen the hearing. On December 20, 2013, ALJ Kangas reviewed claimant's request to reopen and issued Hearing Decision 13-UI-06932, denying claimant's request. On January 9, 2014, Hearing Decision 13-UI-06932 became final without an application for review having been filed. On January 22, 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 9, 2014; it was filed on January 22, 2014, as shown by the postmark date affixed to the envelope in which it 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 provided a written statement explaining the circumstances that led to the work separation but failed to explain as why he filed the application 13 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 January 22, 2014 is dismissed. Hearing Decision 13-UI-06932 remains undisturbed.

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

DATE of Service: February 3, 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.