

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0168

Application for Review Dismissed

PROCEDURAL HISTORY: On November 13, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 105751). Claimant filed a timely request for hearing. On December 20, 2013, ALJ Sime conducted a hearing, and on January 1, 2014 issued Hearing Decision 14-UI-07641, affirming the Department's decision. On January 23, 2014, Hearing Decision 14-UI-07641 became final without an application for review having been filed. On January 24, 2014, claimant filed a late 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 the employer's application for review to be filed no later than January 23, 2014; it was filed on January 24, 2014, as shown by the postmarked date affixed to the envelope in which the application for review was mailed. OAR 471-041-0065(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 24, 2014 is dismissed. Hearing Decision 14-UI-07641 remains undisturbed.

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

DATE of Service: January 30, 2014

NOTE: You may appeal this decision by filing a Petition 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.