

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0479

Application for Review Dismissed

PROCEDURAL HISTORY: On December 26, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 144935). Claimant filed a timely request for hearing. On February 28, ALJ Erwin conducted a hearing, and on March 3, 2014 issued Hearing Decision 14-UI-11588, affirming the Department's decision. On March 24, 2014, Hearing Decision 14-UI-11588 became final without an application for review having been filed. On March 25, 2014, claimant filed an untimely 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 claimant's application for review should be dismissed.

ORS 657.270(4) required claimant's application for review to be filed no later than March 24, 2014; it was filed on March 25, 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). (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 she filed her 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 March 25, 2014 is dismissed. Hearing Decision 14-UI-11588 remains undisturbed.

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

DATE of Service: March 31, 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.