

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0489

### *Application for Review Dismissed*

**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 # 104917). On December 4, 2013, decision # 104917 became final without a request for hearing having been filed. On December 31, 2013, claimant filed an untimely request for hearing. On January 29, 2014, ALJ Kangas issued Hearing Decision 14-UI-09386, dismissing claimant's request for hearing as untimely, subject to claimant's "right to renew" the request by submitting a response to the "Appellant Questionnaire" attached to the hearing decision within 14 days of the date the decision was mailed.<sup>1</sup> On February 18, 2014, Hearing Decision 14-UI-09386 became final without an application for review having been filed. On February 19, 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 February 18, 2014; it was filed on February 19, 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.

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<sup>1</sup> Hearing Decision 14-UI-09386

**DECISION:** The application for review filed March 19, 2014 is dismissed. Hearing Decision 14-UI-09386 remains undisturbed.

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

**DATE of Service:** April 1, 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.