

EMPLOYMENT APPEALS BOARD DECISION
2014-EAB-0584

Application for Review Dismissed

PROCEDURAL HISTORY: On October 30, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant failed to accept a suitable work opportunity without good cause (decision # 112259). Claimant filed a timely request for hearing. Claimant withdrew his request for a hearing and on February 18, 2014, ALJ M. Davis issued Hearing Decision 14-UI-10556, allowing claimant's request to withdraw. On March 10, 2014, Hearing Decision 14-UI-10556 became final without an application for review having been filed. On April 7, 2014, claimant filed an untimely application for review with the Employment Appeals Board 9EAB).

CONCLUSIONS AND REASONS: Claimant failed to establish good cause for filing an untimely application for review and the application for review should be dismissed. ORS 657.270(4) required that claimant's application for review to be filed no later than March 10, 2014; it was filed on April 7, 2014, as shown by the April 7, 2014, as shown by the postmark date affixed to the envelope in which the application for review was mailed. OAR 471-041-0065 (October 29, 2006). OAR 471-041-0070 (October 29, 2006) provides:

- (1) An application for review is timely if it is filed within 20 days of the date that OAH mailed the hearing decision sought to be reviewed. EAB shall dismiss a late application for review, unless the filing period is extended in accordance with this rule.
- (2) The filing period may be extended a reasonable time upon a showing of good cause as provided by ORS 657.875.
 - (a) "Good cause" exists when the applicant provides satisfactory evidence that factors or circumstances beyond the applicant's reasonable control prevented timely filing.
 - (b) "A reasonable time" is seven days after the circumstances that prevented timely filing ceased to exist.

In application for review, claimant argued that the underlying administrative decision was incorrect and that “there was no job refusal.” Claimant failed, however, to provide any reasons why his application for review was not timely filed. Accordingly, claimant did not show good cause to extend the filing deadline.

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 April 7, 2014 is dismissed. Hearing Decision 14-UI-10556 remains undisturbed.

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

DATE of Service: April 21, 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.