

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1087

### *Late Application for Review Dismissed*

**PROCEDURAL HISTORY:** On April 8, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct (decision # 80031). Claimant filed a timely request for hearing. On May 13, 2014, ALJ S. Lee conducted a hearing, and on May 14, 2014, issued Hearing Decision 14-UI-17553, affirming the administrative decision. On June 3, 2014, Hearing Decision 14-UI-17553 became final without an application for review or a request to reopen having been filed. On June 23, 2014, claimant filed an untimely application for review with the Employment Appeals Board (EAB).

To be timely, an application for review must be filed within 20 days of the date that the Office of Administrative Hearings mailed the hearing decision sought to be reviewed. EAB will dismiss a late application for review; however, the filing period may be extended a reasonable time upon a showing of good cause. "Good cause" is defined as factors or circumstances beyond the applicant's reasonable control that prevented timely filing. ORS 657.875; OAR 471-041-0070 (October 29, 2006). In his application for review, claimant states that he did not timely file his application for review because he did not initially receive the hearing decision "due to me having multiple addresses." Claimant failed to explain how his use of multiple addresses prevented him from receiving the hearing decision. It was well within claimant's reasonable control to confirm at his hearing that the Office of Administrative Hearings that at least one of his "multiple addresses" was correct and one at which he could receive mail. Claimant has, therefore, failed to show good cause for filing a late application for review and his application for review is dismissed.

**DECISION:** The application for review filed June 23, 2014 is dismissed. Hearing Decision 14-UI-17553 remains undisturbed.

Susan Rossiter and J. S. Cromwell;  
Tony Corcoran, not participating.

**DATE of Service:** July 16, 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 [court.oregon.gov](http://court.oregon.gov). Once on the website, click on the blue tab for “Materials and Resources.” On the next screen, click on the tab that reads “Appellate Case Info.” On the next screen, select “Appellate Court Forms” from the left panel. On the next page, select the forms and instructions for the type of Petition for Judicial Review that you want to file.

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