

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0250**

*Application for Review Dismissed*

**PROCEDURAL HISTORY:** On January 8, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 122730). Claimant filed a timely request for hearing. On February 11, 2015, ALJ Clink conducted a hearing, and on February 13, 2015 issued Hearing Decision 15-UI-33507, affirming the Department's decision. On March 5, 2015, Hearing Decision 15-UI-33507 became final without an application for review having been filed. On March 6, 2015, claimant filed an untimely application for review with the Employment Appeals Board (EAB).

**CONCLUSIONS AND REASONS:** Claimant's late application for review is dismissed.

ORS 657.270(4) required that claimant's application for review of Hearing Decision 14-UI-30352 be filed no later than March 5, 2015. OAR 471-041-0065(1)(b) (October 29, 2006) provides the filing date of mailed documents is the postmark affixed to the envelope by the United States Postal Service. Claimant's application for review was postmarked on March 6, 2015.

OAR 471-041-0070 (August 30, 2011) provides that the filing period may be extended a reasonable time upon a showing of good cause as provided by ORS 657.875. OAR 471-041-0070(2)(a) provides that good cause exists when the applicant provides satisfactory evidence that factors or circumstances beyond the applicant's reasonable control prevented timely filing. OAR 471-041-0070(3) requires that an individual filing a late application for review include with the late application "a written statement describing the circumstances that prevented a timely filing."

In her application for review, claimant provided no explanation why she did not file her application for review on or before March 5, 2015. Claimant therefore failed to demonstrate any circumstances beyond her reasonable control that prevented her from timely filing an application for review.<sup>1</sup>

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 6, 2015 is dismissed. Hearing Decision 15-UI-33507 remains undisturbed.

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

**DATE of Service:** March 13, 2015

**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 Court of Appeals website at [courts.oregon.gov](http://courts.oregon.gov). Once on the website, use the ‘search’ function to search for ‘petition for judicial review employment appeals board’. A link to the forms and information will be among the search results.

**Please help us improve our service by completing an online customer service survey.** To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.

---

<sup>i</sup> In her application for review, claimant provided information regarding her work separation that was not presented at the hearing. Under OAR 471-040-0090, EAB may consider new information not offered at a hearing if the party demonstrates that circumstances beyond its reasonable control prevented it from presenting the information at the hearing. Claimant provided no reason why she did not present the information at the hearing and we did not consider it.