

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0766**

*Application for Review Dismissed*

**PROCEDURAL HISTORY:** On April 22, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 142805). Claimant filed a timely request for hearing. On May 9, 2016, ALJ S. Lee conducted a hearing, and on May 27, 2016 issued Hearing Decision 16-UI-60689, affirming the Department's decision. On June 16, 2016, Hearing Decision 16-UI-60689 became final without claimant having filed an application for review. On June 27, 2016, claimant filed a late application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** At all relevant times, claimant was staying with friends and relatives after losing his job and housing, and his life was "rather hectic." His belongings were in storage. He did not file a timely application for review because he misplaced his unemployment paperwork in the back corner of his storage unit.

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

ORS 657.270(6) allows parties to file an application for review with EAB within 20 days after notice of the hearing decision was mailed. The period may be extended a "reasonable time" upon a showing of "good cause." ORS 657.875. OAR 471-041-0070(2) (October 29, 2006) defines "good cause" to include "factors or circumstances beyond the applicant's reasonable control" that prevented a timely filing, and a "reasonable time" as "seven days after the circumstances that prevented a timely filing ceased to exist.

The circumstance that prevented claimant from filing a timely application for review in this case was misplacing documents related to his claim in the back corner of his storage unit; those circumstances ceased to exist when he later found the documents. Because claimant did not specify what date he found

the documents, he has failed to establish that June 27th, the date he filed his late application for review, occurred within the seven-day period following the date he found the documents, and, therefore, has not established that his late filing occurred within a "reasonable time". Although claimant explained that his life was "rather hectic" at the time, he did not explain the circumstances that caused him to place those documents in storage and lose track of where he had put them, or why keeping track of the paperwork was beyond his reasonable control. Consequently, he did not establish that he had "good cause" to extend the filing period. For each of those reasons, claimant's late application for review must be dismissed.

**DECISION:** The application for review filed June 27, 2016 is dismissed. Hearing Decision 16-UI-60689 remains undisturbed.

J. S. Cromwell and D. P. Hettle;  
Susan Rossiter, not participating.

**DATE of Service: July 8, 2016**

**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.

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