

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0901**

*Late Application for Review Dismissed*

**PROCEDURAL HISTORY:** On August 26, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause (decision # 152131). On September 15, 2015, decision # 152131 became final without an application for review having been filed. On January 6, 2016, claimant filed a late request for hearing. On January 11, 2016, ALJ Kangas issued Hearing Decision 16-UI-50751, dismissing claimant's late request for hearing subject to her right to renew the request by responding to an appellant questionnaire by January 25, 2016. On February 1, 2016, Hearing Decision 16-UI-50751 became final without a response to the appellant questionnaire or an application for review of Hearing Decision 16-UI-50751 by EAB having been filed.

On June 7, 2016, claimant advised the Office of Administrative Hearings (OAH) that she had not received a copy of Hearing Decision 16-UI-50751. On June 7, 2016, OAH mailed a copy of Hearing Decision 16-UI-50751 to claimant. On July 22, 2016, claimant filed a late response to the appellant questionnaire, and a late application for review of Hearing Decision 16-UI-50751 by EAB. On July 27, 2016, ALJ Kangas mailed a letter to claimant informing her that because her response to the appellant questionnaire was late, OAH would not consider her response or issue another hearing decision regarding this matter, and that decision # 152131 therefore remained in effect.

**CONCLUSIONS AND REASONS:** Claimant's late application for review of Hearing Decision 16-UI-50751 is dismissed.

ORS 657.270(6) required that claimant's application for review of Hearing Decision 16-UI-50751 be filed no later than February 1, 2016. Claimant filed her application for review on July 22, 2016. Her application for review therefore was late. 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. "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(2)(a). "A reasonable time" is seven days after the circumstances that prevented timely filing ceased to exist. OAR 471-041-0070(2)(b). 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.”

For purposes of this decision, we assume without deciding that claimant did not receive Hearing Decision 16-UI-50751 when it was mailed to her on January 11, 2016. However, OAH mailed a copy of the decision to claimant on June 7, 2016. Claimant did not include with her application for review a written statement explaining why she did not file her application for review until July 22, 2016. She therefore failed to establish good cause for extending the filing period to that date. Claimant’s late application for review of Hearing Decision 16-UI-50751 therefore is dismissed.

**DECISION:** The application for review filed July 22, 2016 is dismissed. Hearing Decision 16-UI-50751 remains undisturbed.

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

**DATE of Service:** August 3, 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.