

**EMPLOYMENT APPEALS BOARD DECISION**  
**2018-EAB-1027**

*Late Application for Review Dismissed*

**FINDINGS OF FACT AND PROCEDURAL HISTORY:** On August 8, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was not able to work from June 17 through July 7, 2018 (decision # 143345). Claimant filed a timely request for hearing. On August 28, 2018, the Office of Administrative Hearings (OAH) served notice of a hearing scheduled for September 10, 2018. On September 10, 2018, claimant failed to appear at the hearing, and on September 11, 2018, ALJ Schmidt issued Order No. 18-UI-116757, dismissing claimant's request for hearing due to his failure to appear. Claimant filed a timely request to reopen the hearing. ALJ Kangas considered claimant's request, and on September 18, 2018 issued Order No. 18-UI-116757, denying the request. On October 8, 2018, Order No. 18-UI-116757 became final without claimant having filed an application for review with Employment Appeals Board (EAB). On October 29, 2018, claimant filed a late application for review with EAB.

**CONCLUSIONS AND REASONS:** Claimant's late application for review of Order No. 18-UI-116757 is dismissed.

An application for review is timely if it is filed within 20 days of the date that OAH mailed the decision for which review is sought. OAR 471-041-0070(1) (March 20, 2014). The 20 day filing period may be extended a "reasonable time" upon a showing of "good cause." OAR 471-041-0070(2). "Good cause" means that factors or circumstances beyond the applicant's reasonable control prevented timely filing OAR 471-040-0070(2)(a). A "reasonable time" is seven days after the circumstances that prevented the timely filing ceased to exist. OAR 471-041-0050(2)(b). OAR 471-041-0065 (October 29, 2006). OAR 471-041-0070(3) requires that individuals filing late applications for review include with the late application "a written statement describing the circumstances that prevented a timely filing."

Claimant was required to file his application for review of Order No. 18-UI-116757 no later than October 8, 2018. It was filed on October 29, 2018. Claimant did not provide any explanation as to why he filed his application 3 weeks after the filing deadline expired. Because claimant's application for review was filed after the 20-day deadline provided by ORS 657.270(6), 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 October 29, 2018 is dismissed. Order No. 18-UI-116757 remains undisturbed.

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

**DATE of Service: November 2, 2018**

**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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