

BOARD OF REVIEW
OKLAHOMA EMPLOYMENT SECURITY COMMISSION
P.O. BOX 53345
OKLAHOMA CITY, OK 73152

Docket No. 15-AT-04644-BR

In Re: Claim of:

CLAIMANT

APPELLANT

SSA #

Date of Appeal to Board: **MARCH 6, 2015**

OPINION

The BOARD OF REVIEW considered the findings and decision of the Appeal Tribunal Hearing Officer, _____, affirming the Commission's determination by finding the employer's objection to the claim was not timely filed within the period provided by Section 2-503, Title 40, Okla. Stat., as amended.

This matter is submitted on the recording of the hearing held before the Appeal Tribunal, the Appeal Tribunal decision, and the records in the offices of the Oklahoma Employment Security Commission, the Appeal Tribunal, and the Board of Review pertaining to this appeal.

The Notice of Application for Unemployment Compensation (Notice) was mailed to the employer on January 8, 2015. The employer received the Notice prior to January 20, which was the deadline for filing a protest to the claim. On January 16, a representative from the Oklahoma Employment Security Commission (OESC) called the employer and left a voice mail asking for information about the reason for the claimant's job separation. The OESC routinely makes such a call to the employer if a protest has not been received by the 8th day of the protest period. In the voice mail, the OESC representative said the information was needed no later than January 21. The employer's representative testified that he knew he had 10 days from the mailing date of the Notice to file a protest. However, he interpreted the call from the OESC as giving him an extension to that 10-day period. He did not provide a written protest until January 21, one day past the deadline to be considered as an interested party to the claim. He objected to being excluded as an interested party because the voice mail from the OESC gave a different date for his response.

The statute states that a written objection to a claim must be filed within 10 days after the date the Notice was mailed. It states that only a response given in accordance with those instructions will serve to make the employer an interested party to the claim. It also informs the employer that it may be called for information, but it does not say that a response to the call will make the employer an interested party if the written response is filed after the 10-day deadline. The employer did not establish that it was beyond its control to have filed a timely protest. Therefore, the Board of Review does not find good cause for the untimeliness of the protest.

The Board of Review concludes that the findings of fact and the conclusion(s) previously adopted by the Appeal Tribunal are applicable and that same should be adopted by the Board of Review as asserted.

IT IS THEREFORE ORDERED BY THE BOARD OF REVIEW that the decision of the Appeal Tribunal is hereby **AFFIRMED**.

COPIES TO: CLAIMANT
EMPLOYER

APPEAL RIGHTS

Within 30 days after the mailing date of this decision, as shown opposite, further written appeal for judicial review may be filed in the District Court of claimant's county of residence or in the District Court of Oklahoma County if claimant is not a resident of Oklahoma, in accordance with Section 2-610, Title 40, Ok. Stat.

CERTIFICATE OF MAILING

I certify on 3-27-15 I personally placed copies of this decision in the United States mail in envelopes addressed to the claimant and employer at their respective addresses shown on the decision. Said envelopes were sealed and bore indicia of proper postage paid.