

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

Docket No. **15-AT-05835-BR**

In Re: Claim of:

CLAIMANT

APPELLANT

SSA #

Date of Appeal to Board: **APRIL 9, 2015**

OPINION

The BOARD OF REVIEW considered the findings and decision of the Appeal Tribunal Hearing Officer, reversing the Commission's determination by finding the claimant was discharged from her last employment but not for misconduct connected with the work and allowing benefits in accordance with Section 2-406, 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 employer objected to the Hearing Officer finding good cause for the claimant's untimely appeal. During the appeal period, the claimant was in and out of the hospital due to a serious health condition. She was incapacitated and under the effects of morphine during this time. The employer felt that the claimant's sister, acting as her caregiver, should have taken the responsibility and the initiative to ensure the claimant's appeal was filed on time. The Board of Review does not find it appropriate to hold a relative responsible for a claimant filing an appeal. In the "Rules for the Administrative of the Oklahoma Employment Security Act," Rule 240:10-13-37 defines good cause as a situation beyond the control of the parties, and specifically mentions a disabling personal illness as an example of such a situation. The Board agrees with the Hearing Officer that the claimant had good cause for the late filing of her appeal.

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 5-29-15 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.