

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

Docket No. **15-AT-08866-BR**

In Re: Claim of: .

CLAIMANT

APPELLANT

SSA #

Date of Appeal to Board: **JULY 2, 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 employer argued the Notice of Application for Unemployment Compensation (Notice) was sent to an incorrect address, which caused its protest to be late. Records show that at the time the Notice was mailed in February 2015, the employer's address of record with the Oklahoma Employment Security Commission (OESC) was in St. Petersburg, Florida. That is where the Notice was mailed. Personnel in that office then forwarded the Notice to the employer's office in Henrietta, New York. By the time it was received there, the 10-day protest period had passed. In March, the employer changed its address of record with the OESC to Henrietta, New York. While the situation was unfortunate, the fact remains the Notice was mailed the correct address at the time, and it was within the employer's control to have procedures in place so that it could have sent a timely 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 7-20-15 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.