

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

Docket No. 15-AT-10547-BR

In Re: Claim of:

APPELLANT

EMPLOYER

SSA #.

Date of Appeal to Board: **AUGUST 18, 2015**

OPINION

The BOARD OF REVIEW considered the findings and decision of the Appeal Tribunal Hearing Officer, _____, affirming the Commission's determination by finding that good cause was not shown for the untimely filing of the claimant's appeal and dismissing the appeal for want of jurisdiction in accordance with Section 2-603 and Section 2-614, 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 claimant's appeal to the Board of Review was one day late. He said it was late because he had to go out of state to take his elderly father-in-law to a medical appointment. Under the circumstances, the Board finds good cause for the late appeal.

The claimant's appeal to the Appeal Tribunal was late. He testified that it was late because he thought he had a week to file the appeal from the time he received the Notice of Determination in the mail. The Determination plainly stated that he had ten days from its mailing date in which to file an appeal. The claimant's misunderstanding was unfortunate but he did not establish that it was beyond his control to have filed the appeal on time.

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**. The appeal is dismissed for want of jurisdiction.

DOCKET NO. 15-AT-10547-BR

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 9-8-15 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.