

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

Docket No. **15-AT-11358-BR**

In Re: Claim of:

APPELLANT

SSA #

Date of Appeal to Board **SEPTEMBER 4, 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 claimant's request to have her claim backdated was denied in accordance with Section 2-203, Title 40, Okla. Stat., as amended; and Rule 240:10-3-23(b) in the *Rules for the Administration of the Oklahoma Employment Security Act*.

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 was separated from employment with Serco, Inc., in March 2015. She chose not to file for benefits at that time because she thought she would be disqualified based on the reason for separation. She then went to work for Jack in the Box for a few hours on June 9th. She filed for unemployment benefits on June 11th. She asked that her claim be backdated to her job separation that took place in March.

The Rule cited in the first paragraph above states that the effective date of a claim shall be the first day of the calendar week in which the claimant first files the claim. Since the claimant filed on June 11th, the effective date of her claim must be the first day of that week, which was Sunday, June 7th. It is unfortunate that she delayed filing her claim, but she has shown no reason beyond her control for her failure to file sooner.

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

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 10-1-15 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.