

IN THE UTAH COURT OF APPEALS

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Scott Craven,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner,)	
)	Case No. 20080278-CA
v.)	
)	
Department of Workforce)	F I L E D
Services,)	(May 30, 2008)
)	
Respondent.)	2008 UT App 212

Original Proceeding in this Court

Attorneys: Scott Craven, Salt Lake City, Petitioner Pro Se
Geoffrey T. Landward, Salt Lake City, for Respondent

Before Judges Billings, Davis, and McHugh.

PER CURIAM:

Scott Craven appeals the Workforce Appeal Board's (the Board) determination that his appeal from the Utah Department of Workforce Services' (DWS) decision was untimely. This matter is before the court on the Board's motion for summary disposition. We affirm.

A claimant who has been denied unemployment benefits may file an appeal with the Division of Adjudication within ten days of the original determination. See Utah Code Ann. § 35A-4-406(3)(a) (2005). If the claimant does not file an appeal within the prescribed time, the claimant must demonstrate good cause for the late filing. See Utah Admin. Code R994-508-104. Good cause is expressly limited to circumstances where: (1) the appellant received the decision after the expiration of time for filing the appeal, the appeal was filed within ten days of actual receipt of the decision, and the delay was not the result of willful neglect; (2) the delay in filing the appeal was due to circumstances beyond the appellant's control; or (3) the appellant delayed filing the appeal for circumstances which were compelling and reasonable. See id. If the appellant does not demonstrate good cause for his or her late filing, the Administrative Law Judge (ALJ) does not have jurisdiction to hear

the appeal. See Autoliv ASP, Inc. v. Workforce Appeals Bd., 2000 UT App 223, ¶ 12, 8 P.3d 1033.

Craven's appeal to the Board was due on or before November 13, 2007. Craven filed his appeal on November 15, 2007. Craven concedes that he did not timely file his appeal with the Board. When asked by the ALJ whether he could demonstrate good cause for failing to timely file his appeal, Craven indicated that he did not know why he did not follow the explicit instructions for appeal. Craven also confessed that he had not been diligent in reading his mail regarding this matter. The record supports the ALJ's determination that Craven failed to demonstrate good cause for filing an untimely appeal. Thus, the ALJ did not have jurisdiction to consider Craven's appeal. See id.

Accordingly, the Board's decision is affirmed.

Judith M. Billings, Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge