

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

Serene R. Shaffer,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner,)	
)	Case No. 20090203-CA
v.)	
)	
Department of Workforce)	F I L E D
Services, Workforce Appeals)	(June 25, 2009)
Board,)	
)	2009 UT App 173
Respondent.)	

Original Proceeding in this Court

Attorneys: Serene R. Shaffer, Cottonwood Heights, Petitioner
Pro Se
Geoffrey T. Lanward, Salt Lake City, for Respondent

Before Judges Greenwood, Thorne, and Davis.

PER CURIAM:

Serene R. Shaffer petitions for review of the final order of the Workforce Appeals Board (the Board), which determined that it lacked jurisdiction to consider the merits of her appeal. This matter is before the court on its sua sponte motion for summary disposition based on the lack of a substantial question for review.

The Board adopted the administrative law judge's (ALJ) findings that Shaffer had no good cause for untimely filing her appeal from a benefits determination. Good cause for delay in filing an appeal is limited to circumstances where the claimant received the determination after the appeal time had run, the delay was caused by circumstances beyond the claimant's control, or the claimant filed late under circumstances that were compelling and reasonable. See Utah Admin. Code R994-508-104. Here, Shaffer admitted that she timely received the Department of Workforce Services' original decision. However, she asserts that because she had not been regularly checking her mail, she did not become aware of the Department of Workforce Services' decision until after the appeal deadline. Based upon her testimony, Shaffer did not establish any factor constituting good cause. If

no good cause is shown for the late filing, the ALJ and the Board lack jurisdiction to hear the appeal. See id. R994-508-103; Autoliv ASP, Inc. v. Department of Workforce Servs., 2000 UT App 223, ¶ 12, 8 P.3d 1033.

Affirmed.

Pamela T. Greenwood,
Presiding Judge

William A. Thorne Jr.,
Associate Presiding Judge

James Z. Davis, Judge