

IN THE UTAH COURT OF APPEALS

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Chad M. Ulrich,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner,)	
)	Case No. 20090656-CA
v.)	
)	
Department of Workforce)	F I L E D
Services, Workforce Appeals)	(December 3, 2009)
Board,)	
)	2009 UT App 363
Respondent.)	

Original Proceeding in this Court

Attorneys: Chad M. Ulrich, Lincoln City, Oregon, Petitioner Pro Se
 Suzan Pixton, Salt Lake City, for Respondent

Before Judges Greenwood, Orme, and Thorne.

PER CURIAM:

Chad M. Ulrich petitions for review of the Workforce Appeals Board's (the Board) determination that it lacked jurisdiction over his appeal. This is before the court on its own motion for summary disposition based on the lack of a substantial question for review. Ulrich did not respond to the motion.

The Board determined that it lacked jurisdiction over Ulrich's appeal because the appeal was untimely filed without good cause. Under Department of Workforce Services rules, the Board may consider untimely appeals on the merits only if the delay in filing was for good cause. See Utah Admin. Code R994-508-104. Good cause may be shown where

- (1) the appellant received the decision after the expiration of the time limit 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.

Id.

The Board found that Ulrich did not establish any of these circumstances for good cause and, therefore, found that it lacked jurisdiction over the appeal. Ulrich has not identified any error in the Board's findings. Accordingly, there is no substantial question for review warranting further consideration by this court.

Affirmed.

Pamela T. Greenwood,
Presiding Judge

Gregory K. Orme, Judge

William A. Thorne Jr., Judge