

ARKANSAS COURT OF APPEALS

DIVISION IV

No. E12-125

GERALD A. JOHNSEN

APPELLANT

V.

DIRECTOR, DEPARTMENT OF
WORKFORCE SERVICES

APPELLEE

Opinion Delivered November 7, 2012

APPEAL FROM THE ARKANSAS
BOARD OF REVIEW
[NO. 2010-BR-02255]

AFFIRMED

RITA W. GRUBER, Judge

Gerald Johnsen appeals the dismissal of his appeal as untimely by the Arkansas Board of Review. Specifically, Johnsen contends that the Board's decision is not supported by substantial evidence. We affirm.

In appeals of unemployment-compensation cases, we review the evidence and all reasonable inferences deducible therefrom in the light most favorable to the Board's findings. *Coker v. Dir., Dep't of Workforce Servs.*, 99 Ark. App. 455, 262 S.W.3d 175 (2007). The findings of fact made by the Board are conclusive if supported by substantial evidence. *Id.* Substantial evidence is such evidence as a reasonable mind might accept as adequate to support a conclusion. *Id.* Even when there is evidence upon which the Board might have reached a different decision, the scope of judicial review is limited to a determination of whether the Board could have reasonably reached its decision based on the evidence before it. *Id.* Issues of credibility of witnesses and weight to be afforded their testimony are matters for the Board

to determine. *Bradford v. Dir., Emp't Sec. Dep't*, 83 Ark. App. 332, 128 S.W.3d 20 (2003). Reasons for late filing involve fact issues to be determined by the Board and not this court on appeal. *Hobbs v. Stiles, Dir. of Labor*, 17 Ark. App. 167, 705 S.W.2d 900 (1986).

The record reveals that the Board's decision adequately explained its conclusion and displayed a substantial basis for the dismissal of Johnsen's appeal as untimely. Therefore, pursuant to sections (a) and (b) of our per curiam *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985), we issue this memorandum opinion affirming the Board's decision.

Affirmed.

GLADWIN and GLOVER, JJ., agree.

Vaughan & Friedman Law Firm, by: *Kyle Mayton*, for appellant.

Phyllis Edwards, for appellee.