

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0021

Reversed & Remanded

PROCEDURAL HISTORY: On August 28, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant was discharged for misconduct (decision # 82215). Claimant filed a timely request for hearing. On December 17, 2013, ALJ Logan conducted a hearing, and on December 20, 2013, issued Hearing Decision 13-UI-06966, concluding that claimant was discharged but not for misconduct. On January 3, 2013, the employer filed an application for review with the Employment Appeals Board (EAB).

ORS 657.275 provides that EAB shall review the record of the case and promptly affirm, modify, or set aside the decision of the ALJ if the Director of the Department or any interested party files a timely application for review. On January 7, 2014, EAB notified OAH that an application for review had been filed. Sixteen days after the employer filed its application for review, the record is not yet complete, and it appears that further proceedings are or may be necessary before the record can be provided.¹ We therefore reverse Hearing Decision 13-UI-06966 as unsupported by a complete record, and remand for such other and further proceedings as may be necessary.

DECISION: Hearing Decision 13-UI-06966 is set aside, and this matter remanded for further proceedings consistent with this order.

Susan Rossiter and D. E. Larson;
Tony Corcoran, not participating.

DATE of Service: January 24, 2014

NOTE: You may appeal this decision by filing a Petition for Judicial Review with the Oregon Court of Appeals within 30 days of the date of service listed above. *See* ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem,

¹ The record does not contain Exhibits 1 and 2.

Oregon 97310, or visit the website at <http://courts.oregon.gov/OJD/OSCA/acs/records/AppellateCourtForms.page>.

Note: the above link may be broken due to unannounced changes to the Court of Appeals website, in which case you may contact the Appellate Records at (503) 986-5555.