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State of Oregon
Employment Appeals Board
875 Union St. N.E.
Salem, OR 97311

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<p>EMPLOYMENT APPEALS BOARD DECISION 2014-EAB-0092</p>

Reversed & Remanded

PROCEDURAL HISTORY: On October 16, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant but not for misconduct (decision #171514). The employer filed a timely request for hearing. On January 7, 2014, ALJ Seideman conducted a hearing, and on January 13, 2014, issued Hearing Decision 14-UI-08370, concluding that the employer discharged claimant for misconduct. On January 16, 2014, claimant 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 16, 2014, EAB notified OAH that an application for review had been filed. Twenty days after claimant filed his application for review, the record is not yet complete,¹ and it appears that further proceedings are or may be necessary before the record can be provided. We therefore reverse Hearing Decision 14-UI-08370 as unsupported by a complete record, and remand for such other and further proceedings as may be necessary.

DECISION: Hearing Decision 14-UI-08370 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: February 5, 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 Exhibit 1, which was admitted at hearing (Audio at 4:54), is missing from the record.

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.