

**EMPLOYMENT APPEALS BOARD DECISION**  
**2014-EAB-0182**

*Reversed & Remanded*

**PROCEDURAL HISTORY:** On October 23, 2013, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision #161137). Claimant filed a timely request for hearing. On December 13, 2013, ALJ Lohr conducted a hearing, and on January 21, 2014 issued Hearing Decision 14-UI-08798, concluding the employer discharged claimant not for misconduct. On January 28, 2014, 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 29, 2014, EAB notified the Office of Administrative Hearings (OAH) that an application for review had been filed. The record is not yet complete,<sup>1</sup> and it appears that further proceedings are or may be necessary before the record can be provided. We therefore reverse Hearing Decision 14-UI-08798 as unsupported by a complete record, and remand this matter for such other and further proceedings as may be necessary to complete the record.

**DECISION:** Hearing Decision 14-UI-08798 is set aside, and this matter remanded for further proceedings consistent with this order.

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

**DATE of Service:** February 26, 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,

<sup>1</sup> The record does not contain marked Exhibit 1.

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.