

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0555

Reversed & Remanded

PROCEDURAL HISTORY: On January 3, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct (decision # 113547). Claimant filed a timely request for hearing. On March 19, 2014, ALJ Seideman conducted a hearing, and on March 26, 2014 issued Hearing Decision 14-UI-13424, affirming the administrative decision. On April 4, 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. The record is not complete, and it appears that further proceedings are or may be necessary before the record can be provided.¹ We therefore reverse Hearing Decision 14-UI-13424 as unsupported by a complete record, and remand for such other and further proceedings as may be necessary.

DECISION: Hearing Decision 14-UI-13424 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: April 21, 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 Marked copies of Exhibits 1 through 7 are 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.