

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0721

*Affirmed
No Disqualification*

PROCEDURAL HISTORY: On January 30, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant not for misconduct (decision # 85208). The employer filed a timely request for hearing. On April 10, 2014, ALJ Micheletti conducted a hearing, and on April 11, 2014, issued Hearing Decision 14-UI-14918, affirming the administrative decision. On April 30, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

The hearing record includes a document marked as Exhibit 2, a handwritten note regarding claimant's behavior, which the ALJ identified but did not admit into evidence at the hearing. The handwritten note is marked as EAB Exhibit 2. A copy of EAB Exhibit 2 is included with this decision, and any party that objects to the admission of EAB Exhibit 2 must submit its objection to this office in writing, setting forth the basis of the objection in writing, within ten days of the date on which this decision is mailed. OAR 471-041-0090. Unless such an objection is received and sustained, the information will remain in the record as EAB Exhibit 2.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 14-UI-14918 is affirmed.

Susan Rossiter and Tony Corcoran;
D. E. Larson and J. S. Cromwell, *pro tempore*, not participating.

DATE of Service: May 19, 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, 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.