

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0866

Affirmed
No Disqualification

PROCEDURAL HISTORY: On March 25, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant, not for misconduct (decision # 124315). The employer filed a timely request for hearing. On May 7, 2014, ALJ Clink conducted a hearing, and on May 9, 2014 issued Hearing Decision 14-UI-17336, affirming the Department's decision. On May 16, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

At hearing, claimant and the employer's witness, his supervisor, disagreed on the events leading to claimant's work separation. In Hearing Decision 14-UI-17336, the ALJ found facts in accordance with claimant's testimony and, based on those facts, concluded that claimant was discharged, not for misconduct.¹ EAB reviewed the entire hearing record, and found no basis for disagreeing with the ALJ's implicit credibility finding in favor of claimant or, therefore, the ALJ's findings of fact, and conclusion that the employer discharged claimant, not for misconduct. On *de novo* review and pursuant to ORS 657.275(2), Hearing Decision 14-UI-17336 is **adopted**.

DECISION: Hearing Decision 14-UI-17336 is affirmed.

Tony Corcoran and J. S. Cromwell;
Susan Rossiter, not participating.

DATE of Service: June 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,

¹ Hearing Decision 14-UI-17336 at 1-4.

Oregon 97310 or visit the website at court.oregon.gov. Once on the website, click on the blue tab for “Materials and Resources.” On the next screen, click on the tab that reads “Appellate Case Info.” On the next screen, select “Appellate Court Forms” from the left panel. On the next page, select the forms and instructions for the type of Petition for Judicial Review that you want to file.

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