

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-0940

Reversed & Remanded

PROCEDURAL HISTORY: On May 5, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 131127). Claimant filed a timely request for hearing. On May 21, 2014, ALJ L. Lee conducted a hearing, and on May 29, 2014 issued Hearing Decision 14-UI-18605, affirming the Department's decision. On June 2, 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. However, the record is not yet complete, and it appears that further proceedings are or may be necessary before the record can be provided. Specifically, the ALJ held the record open after the hearing ended to receive claimant's Exhibit 1, described as an "offer letter," but that document has not yet been provided to EAB. We therefore reverse Hearing Decision 14-UI-18605 as unsupported by a complete record, and remand for such other and further proceedings as may be necessary.

DECISION: Hearing Decision 14-UI-18605 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: July 7, 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 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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