

## EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1013

### *Reversed & Remanded*

**PROCEDURAL HISTORY:** On May 6, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 132612). Claimant filed a timely request for hearing. On May 23, 2014, ALJ R. Davis conducted a hearing, and on June 4, 2014 issued Hearing Decision 14-UI-18912, affirming the Department's decision. On June 11, 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. According to the hearing record, Exhibit 1, which the ALJ admitted into evidence, includes a CD. Although a photocopy of the CD was included with the record the Office of Administrative Hearings (OAH) transmitted to EAB, the content of the CD was not. As the record is not complete, it appears that further proceedings are or may be necessary before the record can be provided. We therefore reverse Hearing Decision 14-UI-18912 as unsupported by a complete record, and remand for such other and further proceedings as may be necessary.

**DECISION:** Hearing Decision 14-UI-18912 is set aside, and this matter remanded for further proceedings consistent with this order.

**NOTE:** The failure of any party to appear at the hearing on remand will not reinstate Hearing Decision 14-UI-18912 or return this matter to EAB. Only a timely application for review of the subsequent hearing decision will cause this matter to return to EAB.

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

**DATE of Service:** July 16, 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](http://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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