

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1334

*Affirmed
No Disqualification*

PROCEDURAL HISTORY: On June 26, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant but not for misconduct (decision # 152458). The employer filed a timely request for hearing. On July 31, 2014, ALJ Lohr conducted a hearing, and on August 1, 2014 issued Hearing Decision 14-UI-22638, affirming the Department's decision. On August 9, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

Although the ALJ admitted Exhibit 1 into evidence at the hearing, she neglected to mark the documents comprising it as an exhibit or to include any such exhibit in the hearing record. *See* Hearing Decision 14-UI-22638 at 1; Transcript at 4, 13, 18, 30. Because the documents that were intended to comprise Exhibit 1 are readily identifiable, EAB has marked them as EAB Exhibit 1 and admitted them into evidence. A copy of EAB Exhibit 1 is included with this decision. Any party who objects to the admission of EAB Exhibit 1 into the record must submit such objection to this office in writing setting forth the basis of that objection within ten days of the date of the mailing of this decision. OAR 471-041-0090 (October 29, 2006). Unless such objection is received and sustained, EAB Exhibit 1 will remain in the record.

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-22638 is affirmed.

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

DATE of Service: September 11, 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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