

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1399

Reversed & Remanded

PROCEDURAL HISTORY: On July 24, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant, but not for misconduct (decision # 82948). The employer filed a timely request for hearing. On August 14, 2014, ALJ Shoemake conducted a hearing, and on August 15, 2014 issued Hearing Decision 14-UI-23561, affirming the Department's decision. On August 22, 2014, the employer 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. In Hearing Decision 14-UI-23561, the ALJ wrote that Exhibit 1 was admitted into the hearing record. However, the record transmitted to EAB by the Office of Administrative Hearings did not include any such document. As it appears that further proceedings are or may be necessary before the record can be provided, we reverse Hearing Decision 14-UI-23561 as unsupported by a complete record, and remand for such other and further proceedings as may be necessary.

DECISION: Hearing Decision 14-UI-23561 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: August 26, 2014

NOTE: The failure of any party to appear at the hearing on remand will not reinstate Hearing Decision 14-UI-23561 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.

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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