

EMPLOYMENT APPEALS BOARD DECISION

2014-EAB-1484

Reversed & Remanded

PROCEDURAL HISTORY: On June 23, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct (decision # 152005). Claimant filed a timely request for hearing. On July 24, July 30 and August 25, 2014, ALJ Vincent conducted a hearing, and on September 3, 2014, issued Hearing Decision 14-UI-24462, concluding that the employer discharged claimant, but not for misconduct. On September 15, 2014, the employer filed an application for review with the Employment Appeals Board (EAB).

CONCLUSIONS AND REASONS: Hearing Decision 14-UI-24462 is reversed for lack of a complete record, and this matter remanded to OAH for further proceedings consistent with this order.

ORS 657.275 provides that EAB shall review the record of a 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. The record we received in this case is incomplete. Although the ALJ admitted exhibits 1-3 into evidence, the record contains no marked copies of these exhibits.

DECISION: Hearing Decision 14-UI-24462 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: September 30, 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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