

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0274

Affirmed
No Disqualification

PROCEDURAL HISTORY: On December 12, 2014, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant, but not for misconduct (decision # 142007). The employer filed a timely request for hearing. On February 13, 2015, ALJ Vincent conducted a hearing, and on February 20, 2015 issued Hearing Decision 15-UI-33829, affirming the Department's decision. On March 12, 2015, the employer filed an application for review with the Employment Appeals Board (EAB).

EAB considered the employer's written argument to the extent it was relevant and based on the hearing record. The employer argued that claimant was insubordinate in the final incident and that insubordination made a continuing employment relationship impossible. However, we agree with the ALJ that the employer failed to identify the "major issues" of misconduct in the past, and failed to show that claimant's action in the final incident created a breach of trust in the employment relationship.

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 15-UI-33829 is affirmed.

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

DATE of Service: March 27, 2015

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 Court of Appeals website at courts.oregon.gov. Once on the website, use the 'search' function to search for 'petition for judicial review employment appeals board'. A link to the forms and information will be among the search results.

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