

**EMPLOYMENT APPEALS BOARD DECISION**  
**2015-EAB-0739**

*Adopted*  
*No Disqualification*

**PROCEDURAL HISTORY:** On May 4, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant for misconduct (decision #91452). Claimant filed a timely request for hearing. On May 29, 2015, ALJ Holmes-Swanson conducted a hearing, and on June 5, 2015, issued Hearing Decision 15-UI-39586, concluding that the employer discharged claimant, but not for misconduct. On June 17, 2015, the employer filed an application for review with the Employment Appeals Board (EAB).

The employer failed to certify that it provided a copy of its argument to the other parties as required by OAR 471-041-0080(2)(a) (October 29, 2006). We therefore did not consider this argument when reaching this decision.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2)(a), the hearing decision under review is **adopted**.

**DECISION:** Hearing Decision 15-UI-39586 is affirmed.

Susan Rossiter and J. S. Cromwell;  
D. P. Hettle, *pro tempore*, not participating.

**DATE of Service:** July 24, 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](http://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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