

EMPLOYMENT APPEALS BOARD DECISION
2015-EAB-0753

Adopted
No Disqualification

PROCEDURAL HISTORY: On April 24, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 94347). Claimant filed a timely request for hearing. On May 27, 2015, continued on June 2, 2015, ALJ Dorr conducted a hearing, and on June 15, 2015, issued Hearing Decision 15-UI-40024, concluding the employer discharged claimant, but not for misconduct. On June 19, 2015, the employer filed an application for review with the Employment Appeals Board (EAB).

EVIDENTIARY MATTER: The video recording the ALJ admitted into evidence as Exhibit 7 was described as including audio. *See* May 27, 2015 8:30 a.m. hearing, Transcript at 15; May 27, 2015 11:30 a.m. hearing, Audio Recording at ~54:30; Claimant's argument at 2, 3, fn2. However, the version of Exhibit 7 in the hearing record and available to EAB on review did not include sound. We therefore considered the video recording, absent sound, when reaching this decision.

EAB considered the parties' written arguments to the extent they were relevant and based on 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 15-UI-40024 is affirmed.

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

DATE of Service: August 12, 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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