

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0073

Affirmed
No Disqualification

PROCEDURAL HISTORY: On September 30, 2015, the Oregon Employment (the Department) served notice of an administrative decision concluding that the employer discharged claimant, but not for misconduct (decision # 102845). On November 3, 2015, ALJ M. Davis conducted a hearing in which claimant did not participate, and on November 4, 2015, issued Hearing Decision 15-UI-47123, concluding that the employer discharged claimant for misconduct. On November 21, 2015, claimant filed an application for review with the Employment Appeals Board (EAB). On November 30, 2015, EAB issued Appeals Board Decision 2015-EAB-1384, reversing Hearing Decision 15-UI-47123 and remanding the matter to the Office of Administrative Hearings for further proceedings.

On December 29, 2015, ALJ M. Davis conducted a hearing and on December 30, 2015, issued Hearing Decision 15-UI-50216, concluding that the employer discharged claimant, but not for misconduct. On January 19, 2016, the employer filed an application for review with EAB.

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-50216 is affirmed.

Susan Rossiter and J. S. Cromwell

DATE of Service: January 25, 2016

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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