

**EMPLOYMENT APPEALS BOARD DECISION**  
**2016-EAB-0216**

*Reversed & Remanded*

**PROCEDURAL HISTORY:** On November 17, 2015, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant quit working for the employer without good cause (decision # 140417). Claimant filed a timely request for hearing. On February 1, 2016, ALJ Vincent conducted a hearing, and on February 9, 2016 issued Hearing Decision 16-UI-52629, concluding that claimant quit work with good cause. On February 29, 2015, the employer filed an application for review with the Employment Appeals Board (EAB).

**CONCLUSIONS AND REASONS:** Hearing Decision 16-UI-52629 is reversed as unsupported by a complete record, and this matter remanded to the Office of Administrative Hearings (OAH) for further proceedings.

ORS 657.275 provides that EAB shall review the record of the 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. Because the record in this matter is not complete, however, we cannot complete review of the record. Specifically, at hearing, the ALJ admitted into the record the employer's Exhibit 1, described as a 12-page settlement agreement between claimant and the employer. *See* Audio Record at 2:40-2:50, 12:15-12:30; Hearing Decision 16-UI-52629 at 1. No such exhibit was included in the record transmitted to EAB by OAH, nor is the exhibit contained in Department records available to EAB. Because it appears that further proceedings are or may be necessary before the record can be provided, we reverse Hearing Decision 16-UI-52629 as unsupported by a complete record, and remand for such other and further proceedings as may be necessary.

**DECISION:** Hearing Decision 16-UI-52629 is set aside, and this matter remanded for further proceedings consistent with this order.

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

**DATE of Service: March 8, 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](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.

**Please help us improve our service by completing an online customer service survey.** To complete the survey, please go to <https://www.surveymonkey.com/s/5WQXNJH>. If you are unable to complete the survey online and wish to have a paper copy of the survey, please contact our office.