

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0772

Reversed & Remanded

PROCEDURAL HISTORY: On April 29, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant, not for misconduct (decision # 155623). The employer filed a timely request for hearing. On June 14 and 16, 2016, ALJ Monroe conducted a hearing, and on June 22, 2016, issued Hearing Decision 16-UI-62290, concluding that the employer discharged claimant for misconduct. On June 28, 2016, claimant filed an application for review with the Employment Appeals Board (EAB).

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. The record in this matter is not yet complete, however. Exhibit 14, which consists of six pages, is missing pages one, two and four. We therefore reverse Hearing Decision 16-UI-62290 as unsupported by a complete record, and remand for such other and further proceedings as may be necessary.

DECISION: Hearing Decision 16-UI-62290 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: July 22, 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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