

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-0306

Reversed & Remanded

PROCEDURAL HISTORY: On January 19, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work without good cause (decision # 121941). Claimant filed a timely request for hearing. On February 27, 2017, ALJ Lohr conducted a hearing and issued Hearing Decision 17-UI-77800, affirming the Department's decision. On March 13, 2017, 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 audio recording the Office of Administrative Hearings provided to EAB for review, however, abruptly ended while claimant was answering one of the ALJ's questions, before the ALJ concluded the hearing. Audio recording at ~ 18:40. Because EAB was not provided with a complete record of the proceedings in this matter, EAB is unable to complete its review. We therefore reverse Hearing Decision 17-UI-77800 as unsupported by a complete record, and remand for such other and further proceedings as may be necessary.

DECISION: Hearing Decision 17-UI-77800 is set aside, and this matter remanded for further proceedings consistent with this order.

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

DATE of Service: March 15, 2017

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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