

**EMPLOYMENT APPEALS BOARD DECISION**  
**2017-EAB-0914**

*Reversed & Remanded*

**PROCEDURAL HISTORY:** On June 8, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that the employer discharged claimant, but not for misconduct (decision # 121530). The employer filed a timely request for hearing. On July 10, 2017, ALJ Seideman conducted a hearing, and on July 12, 2017, issued Hearing Decision 17-UI-87752, affirming the administrative decision. On July 31, 2017, the employer 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. At the hearing, the ALJ admitted Exhibits 1 through 4. Audio recording at ~ 20:41. The hearing record provided by Office of Administrative Hearings provided to EAB for review, however, does not include Exhibits 1 through 4. 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-87752 as unsupported by a complete record, and remand for such other and further proceedings as may be necessary.

**DECISION:** Hearing Decision 17-UI-87752 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:** August 17, 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](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.

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