

EMPLOYMENT APPEALS BOARD DECISION
2017-EAB-1203

Affirmed
Disqualification

PROCEDURAL HISTORY: On September 15, 2017, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 121702). Claimant filed a timely request for hearing. On October 10, 2017, ALJ Hoppe conducted a hearing, and on October 11, 2017 issued Hearing Decision 17-UI-94286, affirming the Department's decision. On October 17, 2017, claimant filed an application for review with the Employment Appeals Board (EAB).

EAB considered claimant's written argument when reaching this decision. Although the circumstances that led claimant to claimant's discharge were unfortunate and, to a certain extent, understandable, there is no doubt on this record that claimant deliberately violated the employer's policy with full knowledge that he was doing so, nor is there doubt that claimant ultimately violated the law. On the facts in this record, claimant must be disqualified from receiving benefits because of this discharge for the reasons set forth in Hearing Decision 17-UI-97286 and adopted herein.

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 17-UI-94286 is affirmed.

J. S. Cromwell and D. P. Hettle.

DATE of Service: November 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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