

EMPLOYMENT APPEALS BOARD DECISION
2018-EAB-0940

Affirmed
Disqualification

PROCEDURAL HISTORY: On May 31, 2018, the Oregon Employment Department (the Department) served notice of an administrative decision concluding the employer discharged claimant for misconduct (decision # 150618). Claimant filed a timely request for hearing. On June 25, 2018, ALJ Wymer conducted a hearing, and on June 28, 2018 issued Order No. 18-UI-112223, concluding the employer discharged claimant not for misconduct. On July 18, 2018, the employer filed an application for review with the Employment Appeals Board (EAB). On August 17, 2018, the EAB issued Appeals Board Decision 2018-EAB-0711, reversing Order No. 18-UI-112223 and remanding the case to the Office of Administrative Hearings (OAH) for the ALJ to admit the documents marked as Exhibit 1 into the record and to develop the hearing record. On September 17, 2018, ALJ Wymer conducted a remand hearing in which claimant did not participate, and on September 19, 2018, issued Order No. 18-UI-116882, concluding the employer discharged claimant for misconduct and affirming decision # 150618. On September 25, 2018, claimant filed an application for review of Order No. 18-UI-116882 with the EAB.

EAB reviewed the entire record. On *de novo* review and pursuant to ORS 657.275(2), Order No. 18-UI-116882 is **adopted**.

DECISION: Order No. 18-UI-116882 is affirmed.

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

DATE of Service: October 26, 2018

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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