

**BOARD OF REVIEW**  
**OKLAHOMA EMPLOYMENT SECURITY COMMISSION**  
**P.O. BOX 53345**  
**OKLAHOMA CITY, OK 73152**

Docket No. 16-AT-11510-BR

In Re: Claim of:

**APPELLANT**

**EMPLOYER**

Date of Appeal to Board: **SEPTEMBER 16, 2016**

OPINION

The BOARD OF REVIEW considered the findings and decision of the Appeal Tribunal Hearing Officer, \_\_\_\_\_, affirming but modifying the Commission's determination by finding the claimant was discharged from his last employment for misconduct connected with the work and denying benefits in accordance with Section 2-406, Title 40, Okla. Stat., as amended.

This matter is submitted on the recording of the hearing held before the Appeal Tribunal, the Appeal Tribunal decision, and the records in the offices of the Oklahoma Employment Security Commission, the Appeal Tribunal, and the Board of Review pertaining to this appeal.

The claimant was discharged when the employer learned that the claimant's driver's license had been suspended. The claimant was required to inform the employer of the suspension but had not done so. His license was mistakenly suspended by the Department of Public Safety as the result of an error by the Kay County Court Clerk's Office. Notice of this suspension was sent to the claimant's parents' home. The claimant did not receive this notice. Therefore, he was not aware that his license had been mistakenly suspended. No rule has been cited that would charge the claimant with constructive notice of suspension. Because of the claimant's lack of knowledge, he could not reasonably notify his employer of the suspension. For that reason, misconduct has not been shown.

IT IS THEREFORE ORDERED BY THE BOARD OF REVIEW that the decision of the Appeal Tribunal is hereby REVERSED. The claimant is allowed benefits effective July 24, 2016.