

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

Docket No. **17-AT-02447-BR**

In Re: Claim of:

APPELLANT

EMPLOYER

Date of Appeal to Board: **DECEMBER 21, 2016**

OPINION

The BOARD OF REVIEW considered the findings and decision of the Appeal Tribunal Hearing Officer, reversing the Commission's determination by finding the claimant was discharged from her 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 for excessive absenteeism. The employer's policy stated that over five absences in a 12-month period were considered to be excessive. She had been absent six times in a 12-month period. The claimant's last absence was due to a medical emergency with her fiancé. The employer's policy did provide that emergency situations or those situations beyond the employee's control may be exempt from the policy at the employer's discretion. (Employer Exhibit 1.) While her absences were excessive under the employer's policy, Webster's New College Dictionary defines excessive as "exceeding what is proper, normal, or reasonable." Under these specific circumstances, the claimant's last absence was not improper or unreasonable. While the employer may certainly have had good business reasons for discharging the claimant, the evidence as presented did not establish that the claimant was discharged due to misconduct connected to the work.

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 October 23, 2016.