

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

Docket No. **17-AT-08584-BR**

In Re: Claim of:

**APPELLANT**

**EMPLOYER**

Date of Appeal to Board **MAY 30, 2017**

OPINION

The BOARD OF REVIEW considered the findings and decision of the Appeal Tribunal Hearing Officer, \_\_\_\_\_, affirming 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 poor job performance. She had worked there for almost three years and had been a good employee. But in December 2016, she began making errors. She said she was having trouble concentrating on her work due to the serious health concerns of her father, her daughter, and her nephew; her grandfather also passed away during this time. No evidence was submitted to show that the claimant intentionally was performing poorly, or that she was indifferent to or neglectful of her duties. While the employer may have had good business reasons for discharging the claimant, the burden of showing the claimant was guilty of misconduct was not met.

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 April 16, 2017.

COPIES TO: CLAIMANT  
EMPLOYER

**APPEAL RIGHTS**

Within 30 days after the mailing date of this decision, as shown opposite, further written appeal for judicial review may be filed in the District Court of claimant's county of residence or in the District Court of Oklahoma County if claimant is not a resident of Oklahoma, in accordance with Section 2-610, Title 40, Ok. Stat.

**CERTIFICATE OF MAILING**

I certify on 8/14/17 I personally placed copies of this decision in the United States mail in envelopes addressed to the claimant and employer at their respective addresses shown on the decision. Said envelopes were sealed and bore indicia of proper postage paid.