

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

Docket No. **19-AT-02752-BR**

In Re: Claim of:

CLAIMANT

APPELLANT

Date of Appeal to Board: **FEBRUARY 20, 2019**

OPINION

The BOARD OF REVIEW considered the decision of the Appeal Tribunal Hearing Officer, _____, affirming the Commission's determination by finding the claimant was discharged from his last employment but not for misconduct connected with the work and allowing 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 employer asserted that since the claimant knew he was hired for a temporary position, he was "at fault" for his termination. Section 2-404.2 of Title 40 of the Oklahoma statutes says that if an employer hires someone for a limited period of time specified by the employer, the worker is considered to have been laid off due to lack of work at the end of that time period. Since the employer initiated the job separation, it is considered to be a discharge, but not due to misconduct connected to the work. Therefore, the claimant is eligible for benefits under Section 2-406.

The Board of Review concludes that the findings of fact and the conclusion(s) previously adopted by the Appeal Tribunal are applicable and that same should be adopted by the Board of Review as asserted. It is therefore ordered by the Board of Review that the decision of the Appeal Tribunal is hereby **AFFIRMED**.

**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 3/27/19 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.