

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

Docket No. **15-AT-05754-BR**

In Re: Claim of:

**APPELLANT**

**EMPLOYER**

SSA #

Date of Appeal to Board: **APRIL 6, 2015**

**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 voluntarily left her last employment without good cause connected to the work and disallowing benefits in accordance with Section 2-404, 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 is on medical leave from this employer because of an on-the-job injury which causes her to be unable to perform her normal job duties. The employer does not have any other work that would accommodate her medical restrictions. The claimant has been separated, at least temporarily, from work due to her disability. However, the employer has not discharged her, nor has she quit. The Board determines that the claimant's job separation fits best within Section 2-210, "Separation from work due to compelling family circumstances." But in order to be eligible for benefits under Section 2-210, it would be necessary for the claimant to be off work for a period of time longer than the employer is willing to grant paid or unpaid leave. Thus the claimant is ineligible for benefits indefinitely, for as long as these circumstances exist.

**IT IS THEREFORE ORDERED BY THE BOARD OF REVIEW that the decision of the Appeal Tribunal is hereby AFFIRMED but is MODIFIED to show Section 2-210 as the applicable Section of Title 40.**

**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 6-16-15 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.