

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

Docket No. **15-AT-09323-BR**

In Re: Claim of:

APPELLANT

EMPLOYER

SSA #

Date of Appeal to Board: **JULY 10, 2015**

OPINION

The BOARD OF REVIEW considered the findings and decision of the Appeal Tribunal Hearing Officer, reversing and modifying 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.

In the claimant's appeal to the Board of Review, she said that she quit to move with her husband who had been offered a job over 300 miles away in Harrison, Arkansas. But at the hearing, the claimant's husband testified under oath that he did not have a job offer. He said that he retired from his job and moved to Arkansas to take care of his elderly mother and help out on her farm. The claimant testified that she quit her job in order to move with her husband. The claimant's change of story at this point is not credible. The Board of Review must base its decision on the sworn testimony given at the hearing.

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**. The claimant is disallowed benefits effective week ending May 23, 2015, and indefinitely until she becomes re-employed and earns wages equal to or in excess of ten times her weekly benefit amount.

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 8-20-15 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.