

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

Docket No. **15-AT-09475-UCFE-BR**

In Re: Claim of:

**APPELLANT**

**EMPLOYER**

SSA #

Date of Appeal to Board: **JULY 16, 2015**

**OPINION**

The **BOARD OF REVIEW** considered the findings and decision of the Appeal Tribunal Chief Hearing Officer, finding the claimant failed to show good cause for non-appearance at the hearing scheduled on **JULY 8, 2015**, in accordance with Rule 240:10-13-40 of the Rules for Administration of the Oklahoma Employment Security Act, and reinstating the decision of the Appeal Tribunal issued on **JULY 8, 2015**, which found the claimant was discharged from his 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 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 scheduled to have a hearing at 9:20 a.m. on July 8, 2015. At 9:38 a.m., the claimant called the Appeal Tribunal saying that he had missed the hearing because he had been asleep. He was told to send a written request to reopen the case. Two hours later, he sent an email to the Appeal Tribunal saying he had missed the hearing because he had overslept. The Appeal Tribunal issued a decision on July 14, 2015, denying his request for the hearing to be reopened because oversleeping is not considered to be good cause for missing a hearing. On July 16, 2015, the claimant sent an email stating that he missed the hearing because he was traveling through mountains and did not have cell phone service for a short period of time coinciding with the time the hearing was scheduled to begin. The Board of Review finds the claimant's contradictory statements cast doubt on his credibility. Additionally, the explanation he gave only minutes after the hearing was to take place is more likely to be accurate than the explanation he gave over a week later after having been told his first reason did not constitute good cause to reopen 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.**

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 country 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 8-3-15 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.