

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

Docket No. **15-AT-10904-BR**

In Re: Claim of:

CLAIMANT

APPELLANT

SSA #

Date of Appeal to Board: **AUGUST 21, 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 was discharged from her 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 in his appeal that the claimant did not appear for the hearing, and that the Hearing Officer should not have ruled against the employer without any direct testimony from the claimant. The Board of Review finds the claimant did indeed appear at the hearing and did offer sworn testimony.

The employer also argued the claimant was not discharged, but instead quit when she did not contact them for another assignment on June 17. However, the claimant said she did contact the employer on June 17, and presented documentary evidence of such contact (Claimant Exhibit 1).

Section 2-404.1(B) addresses the topic of a temporary employee leaving work voluntarily. It provides for disqualification if a temporary employee does not contact the temporary help firm for reassignment on completion of an assignment. But the provisions of that subsection apply only if the temporary employee has been advised of the obligations and provided a copy of a separate document written in clear and concise language that states unemployment benefits may be denied for failure to comply. There was no evidence presented to show the employer gave the claimant such a document. The best evidence shows the claimant's assignment ended and she contacted the employer for another assignment the following day, but none was available at that time.

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 9-29-15 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.