

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

Docket No. 15-AT-11847-BR

In Re: Claim of:

CLAIMANT

APPELLANT

SSA #

Date of Appeal to Board: **SEPTEMBER 18, 2015**

OPINION

The BOARD OF REVIEW considered the findings and decision of the Appeal Tribunal Hearing Officer, _____, reversing the Commission's determination by finding the claimant voluntarily left her last employment with good cause connected to the work and allowing 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 employer submitted documentation to the Board of Review that was not presented at the Appeal Tribunal hearing. In the Rules for the Administration of the Oklahoma Employment Security Act, Rule 240:15-3-3(c) states, "If, at the original Appeal Tribunal hearing, any documents, exhibits, testimony or evidence of any kind was, or could have been, in the possession of the propounding party, but the propounding party failed to introduce it at the hearing and it was not included in the documents of the Commission, then it shall not be considered or made part of the record by the Board of Review, or the Appeal Tribunal on remand." Therefore the new documentation could not be considered by the Board when examining this case.

The claimant was a licensed Certified Nursing Assistant (CNA). She was originally hired as a licensed Certified Medication Aide (CMA). That position required that she also be a licensed CNA. The claimant had to take off work due to stress-related problems. She felt the stress was caused by her work as a CMA. The employer allowed her to return to work as a CNA in order to reduce her job-related stress. The claimant was given the same schedule, number of hours and pay as she had before the change. The claimant told the employer that she would not be able to do the CNA job because the tasks were too physical for her, and did not return to work after that. She did not present any medical statements saying that she was unable to work as a CNA. The evidence shows that the claimant voluntarily quit her job, and has not shown good cause connected to the work for doing so.

IT IS THEREFORE ORDERED BY THE BOARD OF REVIEW that the decision of the Appeal Tribunal is hereby REVERSED. The claimant is disqualified from receiving benefits effective week ending August 1, 2015, and indefinitely until she becomes re-employed and earns wages equal to or in excess of ten times her weekly benefit amount.

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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 11-25-15 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.