

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

Docket No. 15-AT-01325-BR

In Re: Claim of:

APPELLANT

EMPLOYER

SSA #

Date of Appeal to Board: **NOVEMBER 28, 2014**

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 is not able and/or available to work and therefore is not eligible for benefits as provided by Section 2-205.1, 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 has restrictions on the type of work he can perform due to a lower back injury. His most recent employment was as a heavy equipment operator. He is released for light duty work, but the employer has none available. He has been seeking employment in some type of light duty occupation, such as cashiering. The Hearing Officer found that since he has no experience in that area, he is not able to work. However, he does have significant experience as a weighmaster, and is seeking work in that capacity, also. Additionally, the Board of Review does not find that a certain level of education or experience is necessarily a prerequisite to obtain a job as a cashier. The claimant does have a high school education and so should possess the basic skills needed for a cashiering job. Accordingly, the Board finds that the claimant is able to perform some work duties in keeping with his education and experience.

IT IS THEREFORE ORDERED BY THE BOARD OF REVIEW that the decision of the Appeal Tribunal is REVERSED. The claimant is eligible for benefits effective October 12, 2014, as long as he meets all other requirements of Title 40.