

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

Docket No. **16-AT-06103-BR**

In Re: Claim of:

**CLAIMANT**

**APPELLANT**

Date of Appeal to Board: **APRIL 22, 2016**

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 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 claimant was discharged due to attendance issues. She had been warned several times about her tardiness in reporting to work. In the last incident, she missed her entire shift and did not call in until two hours after the end of that shift. She testified that she had overslept due to the effects of her prescription medication for depression. She had never told the employer that she was taking such medications, nor had she informed the employer about her illness. She did not request any accommodations for her illness, even when the employer told her that she was being terminated due to her continual attendance problems. She was discharged for unapproved or excessive absenteeism or tardiness, which constitutes misconduct under Section 2-406(B)(2).

IT IS THEREFORE ORDERED BY THE BOARD OF REVIEW that the decision of the Appeal Tribunal is hereby REVERSED. The claimant is disallowed benefits effective week ending January 9, 2016, and indefinitely until she becomes re-employed and earns wages equal to or in excess of ten times her weekly benefit amount.