

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

Docket No. 16-AT-08370-BR

In Re: Claim of:

**CLAIMANT**

**APPELLANT**

SSA #

Date of Appeal to Board: JUNE 27, 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 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 discharged for insubordination. She and a co-worker were having a disagreement. Her manager asked her to come into his office, but she refused to do so. He asked again and she refused a second time. She said she refused because she had been in many "unproductive and intimidating" meetings with him in the past, and she did not want to have another meeting. She was then discharged. Her refusal to comply with a reasonable request of her employer did constitute misconduct connected to the work.

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 April 30, 2016, and indefinitely until she becomes re-employed and earns wages equal to or in excess of ten times her weekly benefit amount.