

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

Docket No. 16-AT-08299-BR

In Re: Claim of:

**APPELLANT**

**EMPLOYER**

Date of Appeal to Board: JUNE 20, 2016

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 not separated from employment due to compelling family circumstances, and disallowing benefits in accordance with Section 2-210, 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.

As a result of an injury the claimant suffered on the job, she has been placed on permanent medical restrictions, which the employer is not willing to or is unable to accommodate. Because her restrictions are permanent, by definition they will not change over time. As such, the claimant has been separated from her employment due to compelling family circumstances as defined in Section 2-210.

This decision is distinguishable from the Board's decision in 15-AT-05754-BR, which dealt with a claimant unable to work due to temporary restrictions. In that case, it was contemplated that the claimant's restrictions would be removed at a later time, allowing the claimant to return to her employment.

IT IS THEREFORE ORDERED BY THE BOARD OF REVIEW that the decision of the Appeal Tribunal is hereby REVERSED. The claimant is allowed benefits effective April 24, 2016, as long as she meets all other eligibility requirements.

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 8-31-16 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