

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

Docket No. 16-AT-04320-BR

In Re: Claim of:

**APPELLANT**

**EMPLOYER**

Date of Appeal to Board: **MARCH 1, 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 discharged from her last employment for misconduct connected with the work and denying 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 missing work without calling in. She had taken prescribed medication which caused her to oversleep. This had happened once before, but it was one year prior to the final incident. Under the circumstances, two absences one year apart do not meet the definition of "excessive." Therefore her discharge is not deemed to have been due to misconduct.

**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 January 3, 2016.**

**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 5-2-16 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.