

# ARKANSAS COURT OF APPEALS

DIVISION IV

No. E12-680

ERINN MCKENZIE

APPELLANT

V.

DIRECTOR, DEPARTMENT OF  
WORKFORCE SERVICES

APPELLEE

Opinion Delivered FEBRUARY 6, 2013

APPEAL FROM THE ARKANSAS  
BOARD OF REVIEW  
[NO. BR-11-03192]

REMANDED

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**KENNETH S. HIXSON, Judge**

This is an unemployment compensation case. Erinn McKenzie appeals from an order of the Board of Review, wherein the Board denied benefits on the basis that Ms. McKenzie was discharged for misconduct in connection with the work. Ms. McKenzie worked in a tobacco store, and the Board found in its decision contained in our record that she repeatedly refused to follow her employer's specifications on how to display its products, which showed a disregard of the standards of behavior her employer had a right to expect. We must remand this case to the Board for the following reasons.

Attached to the petition for review submitted to this court by Ms. McKenzie was a copy of the Board's decision that had been mailed to her. The first page of the Board's two-page decision correctly reflects Ms. McKenzie's name and address, as well as the correct appeal number, 2011-BR-03192. However, the second page of Ms. McKenzie's copy contains an incorrect case number and findings related to a different appeal. Evidently, Ms. McKenzie

received the wrong second page. In her petition to this court, Ms. McKenzie references the Board's finding in the incorrect decision mailed to her that the claimant was discharged for falsifying time cards, and she understandably complains that she has not seen any such evidence nor been given an opportunity to defend against it.

Arkansas Code Annotated section 11-10-529(a)(1)(A) (Repl. 2012) provides that any party entitled to a decision of the Board of Review shall have thirty calendar days from the date the decision is mailed to her last known address in which to request a judicial review by filing in the Court of Appeals a petition for review of the decision. Based on what has been presented to this court, it appears that Ms. McKenzie was mailed an incorrect copy of the Board's decision and thus has yet to receive the Board's correct decision explaining why she has been denied benefits. For this reason, we remand to the Board with directions to mail Ms. McKenzie its decision in her case. Ms. McKenzie will then have thirty days to appeal pursuant to the above provisions.

Remanded.

WOOD and BROWN, JJ., agree.

*Erinn McKenzie*, pro se appellant.

*Phyllis Edwards*, Associate General Counsel, for appellee.