

ARKANSAS COURT OF APPEALS

DIVISION II

No. E12-620

TAMMY WIGTON

APPELLANT

V.

DIRECTOR, DEPARTMENT OF
WORKFORCE SERVICES, and
CONAGRA FOOD

APPELLEES

Opinion Delivered February 6, 2013

APPEAL FROM THE ARKANSAS
BOARD OF REVIEW
[NO. 2011-BR-02489]

REMANDED FOR ADDITIONAL
FINDINGS

ROBIN F. WYNNE, Judge

Tammy Wigton appeals from the decision of the Arkansas Board of Review (the Board) denying her claim for unemployment benefits. The Board based its decision upon a determination that absences accrued after the termination of her leave under the Family Medical Leave Act (FMLA) were a willful disregard of her employer's interests. Because the Board's decision does not adequately set forth the reasons for its finding of misconduct, we reverse and remand for additional findings.

It is not disputed that Wigton was, for a period of time, on FMLA leave due to depression. She was terminated after she did not obtain an extension of her leave. In its opinion, the Board states that Wigton's absences due to depression were accrued for reasons beyond her control and do not amount to misconduct. However, the Board finds later in its opinion that the absences accrued after the end of her FMLA leave, which appear to have



Cite as 2013 Ark. App. 67

been for the same reasons as the earlier absences, were within her control and did amount to misconduct. We therefore remand to the Board for it to make additional findings of fact regarding the issue of whether the post-FMLA absences constitute misconduct.

Remanded for additional findings.

HARRISON and GRUBER, JJ., agree.

Tammy Wigton, pro se appellant.

Phyllis Edwards, Associate General Counsel, for appellee.