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ARKANSAS COURT OF APPEALS

D I V I S I O N I I

No. E 10-92

BRYAN E. LOGAN

APPELLANT

V.

DIRECTOR, DEPARTMENT OF
WORKFORCE SERVICES and PB SAND
& GRAVEL CO.

APPELLEES

Opinion Delivered JANUARY 5, 2011

APPEAL FROM THE ARKANSAS
BOARD OF REVIEW
[NO. 2009-BR-02538]

REMANDED FOR CLARIFICATION

JOHN B. ROBBINS, Judge

This is an unbriefed appeal from the Board of Review. Appellant Bryan E. Logan filed a claim for unemployment benefits. After a hearing, the appeal tribunal found, pursuant to Ark. Code Ann. § 11-10-513(a)(1) (Supp. 2009), that Mr. Logan was disqualified for benefits because he voluntarily and without good cause connected with the work left his last work. Mr. Logan appealed that decision to the Board of Review, and the Board adopted the findings of fact and conclusions of law of the appeal tribunal. Inexplicably, however, the Board's decision also affirmed the appeal tribunal "on finding that the claimant was discharged from his last work for misconduct connected with the work."

Mr. Logan has filed a petition for judicial review with this court, asserting, *inter alia*, that the Board's finding that he was discharged from his work for misconduct was an

inaccurate statement of the circumstances. Rather, Mr. Logan claims that he voluntarily ended his employment with just cause due to a hostile work environment.

We remand to the Board to cure the irreconcilable conclusions in its decision. By adopting the appeal tribunal's decision, the Board found that Mr. Logan voluntarily left his work without good cause. But in the very next sentence of its decision, the Board concluded that Mr. Logan was discharged from work for misconduct. Because these conclusions are inconsistent, it is apparent that a mistake was made and we remand for the Board to clarify the basis for its denial of benefits. Arkansas Code Annotated section 11-10-529(c)(1) (Supp. 2009) provides that the findings of the Board as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive and the jurisdiction of the court shall be confined to questions of law. Due to the uncertainty of the Board's findings and conclusions, we are at present unable to review its decision.

Remanded.

GRUBER and BROWN, JJ., agree.