



**DISSENTING OPINION OF KIM D. SCHMETT:**

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the administrative law judge's decision. I would find the Employer's policy clearly prohibits the closing of one drive-thru lane without a supervisor's permission. While the Claimant argues that she had such permission, the supervisor denied it, which I find credible. The Claimant had already been warned about this in the recent past. For this reason, I would deny benefits until such time she has worked in and has been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. See, Iowa Code section 96.5(2)"a".

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Kim D. Schmett

AMG/ss