## BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

JESSICA J BRIGGS	
Claimant	: HEARING NUMBER: 17BUI-05778 :
and	EMPLOYMENT APPEAL BOARD
STEENA CO LLC	: DECISION :
Employer	•
N C	DTICE
	(1) a <b>request for a REHEARING</b> is filed with the the date of the Board's decision or, (2) a <b>PETITION</b> days of the date of the Board's decision.
	pecific grounds and relief sought. If the rehearing ISTRICT COURT within 30 days of the date of the
<b>SECTION:</b> 96.5-2-A	
DE	CISION
UNEMPLOYMENT BENEFITS ARE ALLOW	ED IF OTHERWISE ELIGIBLE
Employment Appeal Board reviewed the edissenting, finds the administrative law judge's	mployment Appeal Board. The members of the entire record. The Appeal Board, one members decision is correct. The administrative law judge's sions of Law are adopted by the Board as its own. FIRMED.
As	shley R. Koopmans

James M. Strohman

## **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, lowa Code section 96.5(2)"a".

Kim D. Schmett	

AMG/ss