

DISSENTING OPINION OF MONIQUE F. KUESTER:

I respectfully dissent from the decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge in its entirety. The employer terminated the claimant for being on his cell phone during work hours, which is against company policy. Although the claimant denied this allegation, I find the employer's testimony more credible and would deny benefits.

Monique F. Kuester

The employer has requested this matter be remanded for a new hearing. The Employment Appeal Board finds the applicant did not provide good cause to remand this matter. Therefore, the remand request is **DENIED.**

John A. Peno

Monique F. Kuester

Cloyd (Robby) Robinson

AMG/fnv