

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

DALE L HARRIS

Claimant,

and

TPI IOWA LLC

Employer.

:
:
:
:
:
:
:
:
:

HEARING NUMBER: 14B-UI-08949

**EMPLOYMENT APPEAL BOARD
DECISION**

NOTICE

THIS DECISION BECOMES FINAL unless (1) a **request for a REHEARING** is filed with the Employment Appeal Board within **20 days** of the date of the Board's decision or, (2) a **PETITION TO DISTRICT COURT** IS FILED WITHIN **30 days** of the date of the Board's decision.

A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5-2-A

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. All members of the Employment Appeal Board reviewed the entire record. A majority of the Appeal Board, one member dissenting, finds the administrative law judge's decision is correct. The administrative law judge's Findings of Fact and Reasoning and Conclusions of Law are adopted by the Board as its own. The administrative law judge's decision is **AFFIRMED** with the following **MODIFICATION**:

The majority member of the Employment Appeal Board strike the last sentence on page two of the Administrative Law Judge's decision (which continues onto the third page).

Kim D. Schmett

Samuel P. Langholz

DISSENTING OPINION OF ASHLEY KOOPMANS:

I respectfully dissent from the majority decision of the Employment Appeal Board. After careful review of the record, I would reverse the decision of the administrative law judge because I find credible the Claimant's evidence that the comment in question was made once, a long time ago, and away from work. I would find that this is not work-connected misconduct.

RRA/fnv

Ashley R. Koopmans