



## CONCURRING OPINION OF MONIQUE F. KUESTER:

I agree with my fellow board members that the administrative law judge's decision should be affirmed. I would find that the employer believed, and I agree, that there were legitimate business reasons for discharging the claimant as far as excessive unexcused absenteeism. However, the facts as presented during the hearing did not constitute a disqualification for unemployment insurance benefits.

The employer advised the claimant that her job was in jeopardy and the claimant admitted that she was aware that her attendance, appearance and personal problems were issues. However, as the administrative law judge pointed out in the Reasoning and Conclusions of Law, the employer failed to prove that the claimant was unaware of her correct schedule time. Therefore, the final act does not constitute misconduct. Benefits should be allowed provided she is otherwise eligible.

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Monique F. Kuester