

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

RANDY L SATTERLEE

Claimant,

and

PANAMA TRANSFER INC

Employer.

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HEARING NUMBER: 09B-UI-02476

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. With the following modification, 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 Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law by adding that the record establishes the claimant was not discharged. Rather, the claimant was on an agreed upon leave of absence until such time he completes the prescribed substance abuse treatment /education rehabilitation program. Upon completion of this program, the claimant must then submit and pass a return-to-work drug test in order to be eligible for unemployment benefits, if work is not then available.

John A. Peno

DISSENTING OPINION OF MONIQUE F.KUESTER:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would affirm the decision of the administrative law judge in its entirety.

Monique F. Kuester

AMG/fnv

Lastly, the Board would correct the administrative law judge's Findings of Fact at p.2, sixth full paragraph, first sentence to reflect March 2, *2009*.

John A. Peno

Elizabeth L. Seiser

Monique F. Kuester

AMG/fnv