

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

TODD M PRICE

Claimant,

and

JOHN PHILLIPS DECORATER

Employer.

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HEARING NUMBER: 12B-UI-07255

**EMPLOYMENT APPEAL BOARD
DECISION**

N O T I C E

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: 96.5-3, 96.3-7

D E C I S I O N

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board, one member dissenting, reviewed the entire record. The Appeal Board 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**.

Monique F. Kuester

Cloyd (Robby) Robinson

DISSENTING OPINION OF JOHN A. PENO:

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 record contains conflicting testimony from the parties. On the one hand, the Employer testified that he made a full-time offer of work; but the Claimant testified that the offer was for only two hours. The Claimant told the Employer that he had a doctor's appointment. The Claimant called the foreman after his doctor's appointment, ready to report to work, but work was already completed. The Claimant had called the Employer repeatedly and the Employer had not returned the Claimant's call. The burden is on the Employer to prove that a suitable offer was made to the Claimant. Based on this record, would conclude that the Employer has failed to satisfy that burden. Benefits should be allowed provided the Claimant is otherwise eligible.

John A. Peno

AMG/fnv