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

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PATRICIA PRANSCHKE	:
Claimant,	: <b>HEARING NUMBER:</b> 08B-UI-07235
oranian,	· :
and	: EMPLOYMENT APPEAL BOARD : DECISION
CROSSROADS OF WESTERN IOWA	: DECISION

Employer.

### 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. 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.

# AMG/fnv

## DISSENTING OPINION OF JOHN A. PENO:

AMG/fnv

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. The employer discharged the claimant even though the claimant had not been convicted. The employer cited ethics as the reason for the termination based on the employer's Internet findings.

The record reveals that the claimant satisfied her six month probationary period on a prior plea agreement to a deferred prosecution for which the allegation was dismissed in June of 2008. The claimant had pled not guilty to the current charges, which had not yet been resolved. I would conclude that to discharge the claimant for the act of pleading 'not guilty' to a criminal charge not yet resolved does not rise to the legal definition of misconduct. For this reason, I would allow benefits provided she is otherwise eligible.

	John A. Peno
AMG/fnv	
A portion of the claimant's appeal to the Employment which was not contained in the administrative file and vijudge. While the appeal and additional evidence (doct Board, in its discretion, finds that the admission of the today's decision.	which was not submitted to the administrative law uments) were reviewed, the Employment Appeal
	John A. Peno
	Elizabeth L. Seiser
	Monique F. Kuester