

AMG/fnv

DISSENTING OPINION OF MONIQUE F. KUESTER:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. The claimant's situation was unfortunate; however, his absences violated the employer's point system and were excessive.

871 IAC 24.32(7) provides:

Excessive unexcused absenteeism. Excessive unexcused absenteeism is an intentional disregard of the duty owed by the claimant to the employer and shall be considered misconduct except for illness or other reasonable grounds for which the employee was absent and that were properly reported to the employer.

While it is understandable that unexpected circumstances arise, the employer cannot be responsible for "personal issues." For this reason, I would conclude that the claimant committed disqualifying misconduct. See, Higgins v. Iowa Department of Job Service, 350 N.W.2d 187 (Iowa 1984).

Monique F. Kuester

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