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

DAVID C O'BRIEN	:
Claimant,	HEARING NUMBER: 14B-UI-06117
and	EMPLOYMENT APPEAL BOARD
BENNETT MACHINE & FABRICATING	: DECISION
INC	:

Employer.

ΝΟΤΙΟΕ

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, 24.32-1

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. Two members of the Employment Appeal Board 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**.

The Employment Appeal Board would comment that had the Claimant provided medical documentation, it would have certainly bolstered his credibility about his stomach problems. However, the burden is not on the Claimant; rather the burden of proof lies with the Employer in terminations for misconduct cases.

Kim D. Schmett