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

JEREMY E ERICKSON	: HEARING NUMBER: 09B-UI-09181
Claimant,	
and	EMPLOYMENT APPEAL BOARD
DIAMOND CRYSTAL BRANDS INC	: 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 ALLOWED IF OTHERWISE ELIGIBLE

The employer 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.

John A. Peno

Elizabeth L. Seiser

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 altered his girlfriend's timecard on two occasions. If these policy violations were just a one-time occurrence or had these alterations occurred on two occasions *not* back to back, I could agree with the administrative law judge's determination. However, the close proximity of his actions given the policy demonstrates a pattern of behavior, which I find to be a blatant disregard of the employer's directive. As such, I would conclude that the employer has satisfied his burden of proving disqualifying misconduct and benefits should be denied.

Monique F. Kuester

AMG/fnv