BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

DONNA DURING

HEARING NUMBER: 20BUI-09777

Claimant

and : **EMPLOYMENT APPEAL BOARD** : **DECISION**

D OF S FOODS INC

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. 96.5-1

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The 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 based on the facts, the Employer has reasonable suspicion to request the Claimant to submit to a drug test.

In addition, the Employer submitted additional evidence to the Board which was not contained in the administrative file and which was not submitted to the administrative law judge. While the additional evidence was reviewed for the purposes of determining whether admission of the evidence was warranted despite it not being presented at hearing, the Employment Appeal Board, in its discretion, finds that the admission of the additional evidence is not warranted in reaching today's decision. There is no sufficient cause why the new and

additional inform	ation submitted b	y the Employer	was not presente	d at hearing.	Accordingly	all the
new and additior	nal information su	bmitted has not	been relied upon	in making our	decision, ar	nd has
received no weig	ıht whatsoever, bu	ut rather has bee	n wholly disregard	ed.		

Ashley R. Koopmans	
James M. Strohman	
Kim D. Schmett	

AMG/fnv