BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

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THOMAS A MOORE

HEARING NUMBER: 16B-UI-13128

Claimant

EMPLOYMENT APPEAL BOARD

DECISION

CARLETON LIFE SUPPORT SYSTEMS

INC

and

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, 96.3-7

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, one member dissenting, 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**.

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DISSENTING OPINION OF JAMES M. STROHMAN:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the administrative law judge's decision. I would find that the Claimant was a long-term employee who kept parts to be used later in the process, as he had done in previous years. At worst, I would consider his continuation of this practice was poor judgement and not an attempt in any way to undermine the Employer. There were no prior warnings issued. I would conclude that the Employer failed to satisfy its burden of proving disqualifying misconduct and would allow benefits.

James M. Strohman

AMG/fnv