

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