



We have struck the discussion of *Crosser v. Iowa Dep't of Pub. Safety*, 240 N.W.2d 682 (Iowa 1976) since that case describes drawing an adverse conclusion about the evidence that was not produced at hearing, and is not merely addressing the weighing of evidence that was produced. The adverse inference has specific requirements, not discussed by the Administrative Law Judge, and we do not rely on it in any way in our decision. *E.g. Cataldo v. Employment Appeal Board*, 1999 WL 956509 (Iowa App. 1999). Instead, we merely weigh the evidence that is in the record and concur with the Administrative Law Judge's determination that the Claimant's evidence is more credible.

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Kim D. Schmett

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Ashley R. Koopmans

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James M. Strohman

RRA/fnv