BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

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MATTHEW W HOLLINGER

HEARING NUMBER: 12B-UI-08841

Claimant,

:

and

EMPLOYMENT APPEAL BOARD

DECISION

MAINSTREAM LIVING 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: 96.5-2A

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 concurring, 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	
Cloyd (Robby) Robinson	

DISSENTING OPINION OF MONIQUE F. KUESTER:

I respectfully dissent from the decision of the Employment Appeal Board; I would reverse the decision of
the administrative law judge in its entirety. I find the Claimant clearly committed misconduct when he
continued to file untimely reports even after being on his final warning. Any reasonable person would have
known that given that final warning, his job was in jeopardy. For the Claimant to assert that he didn't
know is not credible. Benefits should be denied.

Monique F. Kuester	

AMG/fnv