

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