#### BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building Fourth floor Des Moines, Iowa 50319

TERRELL JOHNSON	
	: HEARING NUMBER: 09B-UI-09799
Claimant,	:
	:
and	: EMPLOYMENT APPEAL BOARD
	: DECISION
TYSON FRESH MEATSINC	

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:** 871 IAC 26.8(5)

## 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 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

Elizabeth L. Seiser

Monique Kuester

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### CONCURRING OPINION OF JOHN A. PENO & ELIZABETH L. SEISER:

We write separately to explain to the Claimant that in order to receive benefits after leaving to care for a sick family member he must "immediately retur[n] to and offe[r] the individual's services to the individual's employer." Iowa Code §96.5(1)(c). The Claimant therefore should, as soon as his mother's need for his care no longer requires him to be off work, return and offer his services to the Employer.

John A. Peno

Elizabeth L. Seiser

RRA/kk