

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

BRAD G BUREN

Claimant,

and

TYSON FRESH MEATS INC

Employer.

HEARING NUMBER: 07B-UI-09008

EMPLOYMENT APPEAL BOARD  
 DECISION

**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: 96.5-1-d**

**DECISION**

**UNEMPLOYMENT BENEFITS ARE DENIED**

The claimant appealed this case to the Employment Appeal Board. All members of the Employment Appeal Board reviewed the entire record. A majority of the Appeal Board, one member dissenting, finds the administrative law judge's decision is correct. With the following modification, 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** with the following **MODIFICATION**:

The Employment Appeal Board would modify the administrative law judge's decision by citing Suluki v. Employment Appeal Board, 503 N.W.2d 402 (Iowa 1993) as supporting authority.

\_\_\_\_\_  
 Elizabeth L. Seiser

AMG/fnv

---

John A. Peno

**CONCURRING OPINION OF MARY ANN SPICER:**

I agree with my fellow board members that the administrative law judge's decision should be affirmed; however, I would not modify the decision in any manner.

AMG/fnv

---

Mary Ann Spicer