

AMG/fnv

DISSENTING OPINION OF JOHN A. PENO:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. The claimant requested and was granted a layoff beginning May 16, 2008 through July 26th, 2008. As such, I would conclude that he should be entitled to benefits during the layoff period. However, as of July 28th, when he voluntarily quit without good cause, I would deny benefits from that point forward.

John A. Peno

AMG/fnv