

DISSENTING OPINION OF KIM D. SCHMETT:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the administrative law judge's decision. I would find the Claimant was terminated for failing to meet production timelines. However, the Employer acknowledged overlooking a portion of one job on the dry eraser board used to calculate the Claimant's production and hours, which were favorable to the Claimant. For this reason, I would allow benefits provided the Claimant is otherwise eligible.

Kim D. Schmett

The Claimant has requested this matter be remanded for a new hearing. The Employment Appeal Board finds the applicant did not provide good cause to remand this matter. Therefore, the remand request is **DENIED**.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

AMG/fnv