BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

ROBERT E BAILEY	: : : HEARING NUMBER: 18BUI-03765
Claimant	: HEARING NUMBER. 10001-03/03
and	: EMPLOYMENT APPEAL BOARD

CEMEN TECH INC

and

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: 96.5-2-A

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, one member dissenting, 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. administrative law judge's decision is **AFFIRMED**.

-	

DECISION

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