

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

KAREN E YOCKEY

Claimant,

and

MIDWEST INDUSTRIES INC

Employer.

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HEARING NUMBER: 12B-UI-13999

**EMPLOYMENT APPEAL BOARD
DECISION**

N O T I C E

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 E C I S I O N

UNEMPLOYMENT BENEFITS ARE DENIED

The claimant appealed this case to the Employment Appeal Board. Two 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**.

The Employment Appeal Board would note that the claimant raised an allegation of an unfair hearing. However, a review of the record does not substantiate the claimant's allegation. The Employment Appeal Board finds the administrative law judge properly conducted the hearing using the appropriate decorum in taking evidence from both parties regarding the issues. As the Iowa Court of Appeals noted in *Baker v. Employment Appeal Board*, 551 N.W. 2d 646 (Iowa App. 1996), the administrative law judge has a heightened duty to develop the record from available evidence and testimony given the administrative law judge's presumed expertise.

The fact that the administrative law judge limited the claimant's submission of evidence into the record only as that evidence was relevant to the issues, or elicited testimony from the opposing party to make a more complete record, is not indicative of an unfair hearing. Thus, the Board concludes the claimant received a fair opportunity to present her case.

John A. Peno

Monique F. Kuester

AMG/kk