

CONCURRING OPINION OF MONIQUE F. KUESTER:

I agree with my fellow board members that the administrative law judge's decision should be affirmed. I would find that the employer believed, and I would agree, that there was a legitimate business reason for discharging the claimant as far as violating company policy. However the facts as presented during the hearing would not cause a disqualification for unemployment insurance benefits. After review of the transcript, I believe that the employer had reason to think that the claimant might be engaged in actions that constituted theft. Again, at the time of the hearing, those facts couldn't be substantiated.

Monique F. Kuester