# BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building

Fourth floor
Des Moines, Iowa 50319

\_\_\_\_\_\_

DONALD D MCCLANNAHAN

: **HEARING NUMBER:** 18BUI-00190

Claimant

and : **EMPLOYMENT APPEAL BOARD** 

: DECISION

IA DEPT OF HUMAN SVCS

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, 96.3-7

### 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. The administrative law judge's decision is **AFFIRMED**.

Ashley R. Koopmans

James M. Strohman

## **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. The Claimant was a long-term employee who had no prior warnings or history of disciplinary action taken against him. At worst, I would find this was an isolated instance of poor judgement that didn't rise to the legal definition of misconduct.

Kim D. Schmett

AMG/fnv