

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

KIRK A SWEDBLOM

Claimant,

and

DEE ZEE INC

Employer.

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HEARING NUMBER: 08B-UI-02958

EMPLOYMENT APPEAL BOARD
DECISION

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 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 comment that both of the claimant's Exhibits A & B establish that the employer substantially reduced the claimant's pay. The claimant's pay cut might have been good cause for the claimant to quit in which we would have allowed benefits. However, the claimant did not quit. Rather, the claimant was discharged for his February 25th

behavior in which he continued going into the employer's facility and arguing. Such behavior constituted misconduct regardless of whether or not the claimant was intoxicated.

John A. Peno

Elizabeth L. Seiser

Monique F. Kuester

AMG/ss