

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

ROBERT T KIRTLEY

Claimant,

and

O'REILLY AUTOMOTIVE INC

Employer.

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HEARING NUMBER: 14B-UI-12090

**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, 96.3-7

DECISION

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 an allegation of an unfair hearing was raised. 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. 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 is not indicative of an unfair hearing. Thus, the Board concludes the Claimant received a fair opportunity to present his case.

Monique F. Kuester

Cloyd (Robby) Robinson