



**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. I find the Employer's testimony more credible than the Claimant's version of events. I would also grant the Employer's application for leave to present new and additional evidence, as it is both material and relevant to this matter.

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Kim D. Schmett

Lastly, the Employment Appeal Board would correct the administrative law judge's Findings of Fact at p. 2, first full paragraph, to reflect it was a ***family friend*** of the Claimant's fiancé who passed away, not the fiancé.

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Kim D. Schmett

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Ashley R. Koopmans

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James M. Strohman

AMG/fnv