BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building

Fourth floor Des Moines, Iowa 50319

DUSTIN J WICKMAN

: **HEARING NUMBER:** 19BUI-12201

Claimant :

and : **EMPLOYMENT APPEAL BOARD**

: DECISION

JENSEN TRANSPORT INC

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

DECISION

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The Employer 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**.

The Employer submitted a request to present new and additional evidence to the Employment Appeal Board in his written argument. The new and additional evidence consisted of additional documents. The Employer's request was denied because good cause was not established for why such evidence was not presented at the hearing. See 486 IAC 3.1(7).

James M. Strohman

Ashley R. Koopmans	 	

DISSENTING	ODINION	OF KIM D	SCHMETT:
DISSENTING	OPINION	OF NIM D.	SCHIVIE I I .

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.				
K	im 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 <i>family friend</i> of the Claimant's fiancé who passed away, not the fiancé.				
K	im D. Schmett			
Ā	shley R. Koopmans			
Ja AMG/fnv	ames M. Strohman			