

CONCURRING OPINION OF MONIQUE F. KUESTER:

I agree with my fellow board members that the administrative law judge's decision should be affirmed; however, I would comment the employer established legitimate business reasons for discharging the claimant. Unfortunately, under the circumstances, the claimant must be granted unemployment insurance benefits. I believe that in light of the circumstances the Employer rightly believed that the claimant had resigned her position. It is my feeling that a reasonable person would believe that she was resigning as a result of the e-mail communications on 4/27/2008 and 5/08/2008 and most importantly her failure to sign the contract for the coming year. According to statute, it could be construed that there was a significant change in her contract, which would also justify a quit for good cause attributable to the employer. Therefore, I reluctantly affirm the administrative law judge's decision.

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Monique F. Kuester

AMG/kjo