

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

ZUMRETA DURAKOVIC

Claimant,

and

TYSON FRESH MEATS INC

Employer.

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HEARING NUMBER: 08B-UI-06111

EMPLOYMENT APPEAL BOARD
DECISION

N O T I C E

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(1)

D E C I S I O N

UNEMPLOYMENT BENEFITS ARE DENIED

The claimant The claimant appealed this case to the Employment Appeal Board. All members of the Employment Appeal Board reviewed the entire record. A majority of 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 claimant has requested this matter be remanded for a new hearing. A majority of the Employment Appeal Board finds the applicant did not provide good cause to remand this matter. Therefore, the remand request is **DENIED**.

John A. Peno

Monique F. Kuester

DISSENTING OPINION OF ELIZABETH L. SEISER:

I respectfully dissent from the majority decision of the Employment Appeal Board. After careful review of the record, I would remand this matter for another hearing. The Claimant has asserted that the frequency of the problem with her co-worker was mistranslated. According to the Claimant the problem was nearly every day but in the testimony she is reported as having the problem "once a month." (Tran at p. 14). Yet in the testimony the Claimant is asked "How far did you have to go to get the supplies for yourself?" and she responded (in translation) "every day, it would take me 10 to 15 minutes." (Tran at p. 14). This tends to corroborate the Claimant's assertion in this appeal that she was mistranslated. I would remand this matter for a hearing with more careful translation to assure that the Claimant gets a fair hearing and so that the evidence is accurate.

Elizabeth L. Seiser