

CONCURRING OPINION OF MONIQUE F. KUESTER:

I agree with my fellow board members that the administrative law judge's decision should be affirmed; however, while the employer may have compelling business reasons to terminate the claimant, conduct that might warrant a discharge from employment will not necessarily sustain a disqualification from job insurance benefits. Budding v. Iowa Department of Job Service, 337 N.W.2d 219 (Iowa App. 1983). The employer failed to provide adequate evidence that there was a current act. The employer did not offer any firsthand witnesses to support their claim of misconduct. In the appeal letter, the employer asserted that the claimant failed to treat fellow employees with respect and dignity; she constantly interfered with other employees and caused conflict in the workplace. While these accusations may be true, without any corroborating evidence, the employer fails to satisfy their burden of proof. Misconduct is not established.

Monique F. Kuester

AMG/ss

The employer has requested this matter be remanded for a new hearing. 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

Elizabeth L. Seiser

Monique F. Kuester