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

KATHERINE M BEACH	· :
Claimant,	: HEARING NUMBER: 08B-UI-06718 :
and	: : EMPLOYMENT APPEAL BOARD
GRANDVIEW HEIGHTSINC	: DECISION
GRANDVIEW REIGHTSTING	•

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, one member concurring, reviewed the entire record. The Appeal Board 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.

John A. Peno	
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Elizabeth L. Seiser	

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 Board finds the applicant did not provide good cause request is DENIED .	
	John A. Peno
	Elizabeth L. Seiser

Monique F. Kuester