

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

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KIRBY SZIGLER

Claimant,

and

HAWKEYE MOVERS OF  
DAVENPORT INC

Employer.

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HEARING NUMBER: 09B-UI-07896

EMPLOYMENT APPEAL BOARD  
AMENDED DECISION AFTER  
GRANTED HEARING

**NOTICE**

**THIS DECISION BECOMES FINAL** unless a **PETITION TO DISTRICT COURT IS FILED WITHIN 30 days** of the date of the Board's decision.

**SECTION: 96.4-3**

**DECISION**

**UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE**

**STATEMENT OF THE CASE:**

The employer filed an application for rehearing on the above-listed matter that was granted. A Decision and Order was sent to both parties indicating that the employer had timely filed his written argument, however, said argument did not arrive in the Board's office until after a decision had been rendered. The Decision and Order stated that the Board would review the employer's written argument and re-issue a decision in consideration of the same. The Board is now ready to issue its decision.

The employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board 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**.

The employer submitted a written argument to the Employment Appeal Board. The Employment Appeal Board reviewed the argument. The argument was substantially corroborative of evidence already presented before the administrative law judge. While the argument was considered, the Employment Appeal Board finds it is insufficient to cause a reversal of the Board's previous decision.

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John A. Peno

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Elizabeth L. Seiser

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Monique F. Kuester

AMG/ss