

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

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**TRAVIS L ASTELLE**

Claimant,

and

**JELD-WEN INC**

Employer.

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**HEARING NUMBER: 11B-UI-15952**

**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, 96.3-7**

**D E C I S I O N**

**UNEMPLOYMENT BENEFITS ARE DENIED**

The claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board, one member dissenting, 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**.

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Monique F. Kuester

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Elizabeth L. Seiser

**DISSENTING OPINION OF JOHN A. PENO:**

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. The employer hired the claimant right out of high school. The claimant testified that the employer was aware that he was going to school in the fall. The claimant did go to school in fall and the employer worked with the claimant's schedule for one semester. However, the employer told the claimant he couldn't accommodate his second semester schedule. The employer wanted the claimant to work nights if he went to school during the day, or vice versa. The claimant quit due to what I conclude is a change in the claimant's contract of hire.

Since the claimant was a full-time student and limited his hours to work (not willing to work nights or evenings and is full-time student during the day), I would remand this matter to Iowa Workforce Development Center, Claims Section, for a determination of whether the claimant is able and available for work.

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John A. Peno

The claimant 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**.

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John A. Peno

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Monique F. Kuester

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Elizabeth L. Seiser

AMG/fnv