

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

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**PHILLIP N PEACOCK**

Claimant

and

**IOWA WORKFORCE DEVELOPMENT**

Employer

**HEARING NUMBER: 17BIWDUI-172**

**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:** 96.5-2-A, 96.5-1

**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 reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, 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** with the following **MODIFICATION**:

The Employment Appeal Board would modify the administrative law judge's Reasoning and Conclusions of Law to include the following as supportive legal analysis:

The Claimant was initially suspended and put on notice that his job was in jeopardy. Once the investigation concluded (albeit over a month later), the Claimant was terminated. The fact that his

termination was not immediate does not detract from the currentness of the act. The court in *Milligan v. Employment Appeal Board*, 802 N.W.2d 238 (Iowa App. 2011), held that it is reasonable to allow a company time for its human resources department to assess the situation.

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Kim D. Schmett

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Ashley R. Koopmans

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James M. Strohman

AMG/fnv