

DISSENTING OPINION OF KIM D. SCHMETT:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the administrative law judge's decision. The Employer has a set of work rules that establishes the type of moral conduct it expects of its employees, and of which it seeks to maintain its reputation with the general public. The Employer would not hire a person with this type of offense in his background in the first place; nor would the Employer continue the employment of an employee currently in its employ who commits this type of offense whether on or off duty. For this reason, I would conclude that the Claimant violated the Employer's policy for which he was terminated, and should be denied benefits until such time he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. See, Iowa Code section 96.5(2)"a".

Kim D. Schmett

AMG/fnv