

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
Website: eab.iowa.gov**

SEAN ROBINSON

Claimant

: **APPEAL NUMBER:** 23B-UI-06847

: **ALJ HEARING NUMBER:** 23A-UI-06847

:

and

:

**EMPLOYMENT APPEAL BOARD
DECISION**

:

REMEDY INTELLIGENT STAFFING INC

:

:

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

DECISION

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The Employer appealed this case to the Employment Appeal Board. All members of the Employment Appeal Board reviewed the entire record. A majority of the Appeal Board, one member dissenting, 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**.

James M. Strohman

Ashley R. Koopmans

DISSENTING OPINION OF MYRON R. LINN:

I respectfully dissent from the majority decision of the Employment Appeal Board. After careful review of the record, I would reverse the decision of the administrative law judge. The Claimant did not simply miss work for illness. He testified he did not come to work because the work was too rigorous. With this level of attendance, this is, in effect, a quit for personal health reasons and thus the Claimant should be disqualified. In the alternative, his attendance was not caused by illness but a decision on his part that the work was too hard. This is misconduct and I would disqualify on that theory as well.

Myron R. Linn

RRA/fnv