

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

GARY L ALBERTSON

Claimant,

and

HY-VEE INC

Employer.

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HEARING NUMBER: 08B-UI-04536

EMPLOYMENT APPEAL BOARD
DECISION AFTER GRANTED REHEARING

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: 871 IAC 26.8(5)

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

STATEMENT OF THE CASE:

The claimant 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 claimant never received the administrative law judge's decision on the merits of the case (08A-UI-04536 - May 25, 2008) in order to file a timely appeal. The Board found good cause was established and considers the claimant's appeal to be timely. The Board is now ready to issue a decision on the merits of this case.

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. 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**.

John A. Peno

Elizabeth L. Seiser
