

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

RONALD R THOMAS

Claimant,

and

EXPRESS SERVICES INC

Employer.

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HEARING NUMBER: 11B-UI-07495

**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, 96.5-1-J

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**.

Monique F. Kuester

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. According to the Employer, the Claimant walked off the job after 1½ hours without notice. The Claimant testified that the client was having problems and the Claimant couldn't physically do the work. The client told the Claimant that he could leave and that the client would notify the Employer that the Claimant was unable to do the job. Both parties agree that the Claimant called the Employer on May 2nd, which was within the three-day notification policy. I would also note that the Employer failed to provide the client as a firsthand witness to refute the Claimant's testimony. For this reason, I would find the Claimant's version of events more credible and would allow benefits provided the Claimant is otherwise eligible.

John A. Peno

AMG/fnv