

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

---

NICOL J JACOBS

Claimant,

and

HORMEL FOODS CORPORATION

Employer.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**HEARING NUMBER: 13B-UI-13476**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**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-A, 96.3-7

**DECISION**

**UNEMPLOYMENT BENEFITS ARE DENIED**

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board, one member concurring, 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

---

Cloyd (Robby) Robinson

**CONCURRING OPINION OF JOHN A. PENO:**

I agree with my fellow board members that the administrative law judge's decision should be affirmed; however, I would comment that the Claimant was insubordinate to her supervisor when she refused a direct order to perform a job. The Claimant called the Employer later in the evening after walking off the job due to an anxiety attack. The Claimant agreed to report back to work the same evening and then failed to do so. I do not find Claimant's leaving due to medical issues to be a misconduct issue. However, her refusal to obey the Employer's directive and failing to return to work as agreed does, in fact, constitute misconduct such that I would deny benefits.

---

John A. Peno

AMG/fnv