

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

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**JEANILLE J BURK**

Claimant,

and

**HEARTLAND HOME CARE INC**

Employer.

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**HEARING NUMBER: 10B-UI-03873**

**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: 96.5-1**

**DECISION**

**UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE**

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

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John A. Peno

**CONCURRING OPINION OF ELIZABETH L. SEISER:**

I agree with my fellow board member that the administrative law judge's decision should be affirmed; however, I would also comment that when the claimant signed up with the employer, she placed a reasonable restriction on travel which the employer did not honor. This was another factor in her quit due to a change in her contract of hire.

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Elizabeth L. Seiser

AMG/ss

**DISSENTING OPINION OF MONIQUE F. KUESTER:**

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. When the claimant was hired, she was never given a set number of hours or location upon which she could expect, much less rely upon. Due to the nature of her work, she should have reasonably expected that there would be travel.

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Monique F. Kuester

AMG/ss