## BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building

## Fourth floor Des Moines, Iowa 50319

SIERRA M OYEN	:
Claimant	: <b>HEARING NUMBER:</b> 17BUI-06579
and	: EMPLOYMENT APPEAL BOARD : DECISION
NATIONAL VISION INC	BESISION
Employer	
	NOTICE
Employment Appeal Board within <b>20 d</b>	unless (1) a <b>request for a REHEARING</b> is filed with the <b>ays</b> of the date of the Board's decision or, (2) a <b>PETITION TO 30 days</b> of the date of the Board's decision.
	the specific grounds and relief sought. If the rehearing reques <b>TRICT COURT</b> within <b>30 days</b> of the date of the denial.
<b>SECTION:</b> 96.5-2-A, 96.3-7	
	DECISION
JNEMPLOYMENT BENEFITS ARE D	ENIED
Employment Appeal Board reviewed to inds the administrative law judge's de	to the Employment Appeal Board. The members of the he entire record. The Appeal Board, one member dissenting ecision is correct. The administrative law judge's Findings on of Law are adopted by the Board as its own. The IFFIRMED.

James M. Strohman

## **DISSENTING OPINION OF KIM D. SCHMETT:**

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the
administrative law judge's decision only as to the Employer's participation, as the Claimant did not
appeal this matter. I would find the Employer sufficiently participated in the Fact-finding Interview by
providing material and relevant documentation to support their case. For this reason, I would
conclude the Employer's account should not be charged with the Claimant's overpayment.

Kim D. Schmett

AMG/fnv