

AMG/fnv

DISSENTING OPINION OF ELIZABETH L. SEISER:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would remand the decision of the administrative law judge for further consideration. The record, as it stands, does not establish that the claimant was separated from the temporary employment agency, as well as the assignment. As the Iowa Court of Appeals noted in Baker v. Employment Appeal Board, 551 N.W. 2d 646 (Iowa App. 1996), the administrative law judge has a heightened duty to develop the record from available evidence and testimony given the administrative law judge's presumed expertise. For this reason, I would remand this matter.

Elizabeth L. Seiser

AMG/fnv