

CONCURRING OPINION OF MONIQUE F. KUESTER:

I agree with my fellow board members that the administrative law judge's decision should be affirmed; however, I would note that the employer established legitimate business reasons for discharging the claimant. However the facts as presented during the testimony do not constitute a denial of unemployment insurance. See, Budding v. Iowa Department of Job Service, 337 N.W.2d 219 (Iowa App. 1983).

It is clear that the claimant had excessive absences and tardies. But, the employer failed to provide evidence of the 'repeated written warnings concerning punctuality and attendance along with a written warning for disrespect of company equipment,' during the hearing. That pertinent information would have been beneficial in my decision process. Absent this evidence, I must join in affirming the administrative law judge's ruling.

Monique F. Kuester