## BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

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AMY L HUDSON

: **HEARING NUMBER:** 19BUI-03110

Claimant

and : **EMPLOYMENT APPEAL BOARD** 

: DECISION

**CONLIN PROPERTIES INC** 

Employer :

## 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, 96.3-7

## 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 reviewed the entire record. The Appeal Board finds the administrative law judge's decision is correct. With the following modification, 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** with the following **MODIFICATION**:

The Employment Appeal Board would modify and correct the administrative law judge's Decision at p. 3, final paragraph, as follows:

The representative's March 7, 2019 decision (reference 01) is affirmed. The employer has not met its burden of proof to establish job related misconduct. The Claimant satisfied her burden of proving her quit was with good cause attributable to the Employer. Benefits are allowed, provided claimant is otherwise eligible.

The Employer submitted additional evidence to the Board which was not contained in the administrative file and which was not submitted to the administrative law judge. While the additional evidence was reviewed for the purposes of determining whether admission of the evidence was warranted despite it not being presented at hearing, the Employment Appeal Board, in its discretion, finds that the admission of the additional evidence is

not warranted in reaching today's decision. There is no sufficient cause why the new and additional
information submitted by the Employer was not presented at hearing. Accordingly all the new and
additional information submitted has not been relied upon in making our decision, and has received
no weight whatsoever, but rather has been wholly disregarded.

	Kim D. Schmett	
	Ashley R. Koopmans	
	James M. Strohman	
AMG/fnv		