

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

MARK E LANE

Claimant,

and

CRST VAN EXPEDITED INC

Employer.

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HEARING NUMBER: 10B-UI-11991

**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 DENIED

The claimant appealed this case to the Employment Appeal Board. Two members of the Employment Appeal Board 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**.

Elizabeth L. Seiser

AMG/fnv

SEPARATE CONCURRING OPINION OF JOHN A. PENO:

I agree with my fellow board member that the administrative law judge's decision should be affirmed; however, I would comment that if the claimant immediately returns to his employer, and hasn't accepted any other work, he can qualify for unemployment benefits in accordance with Iowa Code section 96.5(1)"c".

John A. Peno

AMG/fnv