



**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. I would find that the Claimant's failure to pass a requisite drug test of which he had prior knowledge was tantamount to a refusal of a suitable offer of work. In addition, his failure to pass the drug test rendered him not able and available for work. For these reasons, I would conclude he is disqualified for benefits until such time he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. See, Iowa Code section 96.5(2)"a".

---

Kim D. Schmett

AMG/fnv