

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

JEREMIE J COOKSEY

Claimant,

and

CARGILL MEAT SOLUTIONS CORP

Employer.

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HEARING NUMBER: 11B-UI-15343

**EMPLOYMENT APPEAL BOARD
DECISION**

N O T I C E

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: 96.5-2-A, 96.3-7

D E C I S I O N

UNEMPLOYMENT BENEFITS ARE DENIED

The claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board, one member concurring, 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**.

Monique F. Kuester

Elizabeth L. Seiser

AMG/fnv

CONCURRING OPINION OF JOHN A. PENO:

I agree with my fellow board members that the administrative law judge's decision should be affirmed; however, I would comment that if the claimant had been told once and only left once for therapy, I might have viewed the incident as an isolated instance of poor judgment. However, the claimant was initially directed not to leave at 10:00 a.m. on September 30th. Yet, he still left that day after being warned. The claimant was fully aware that if he left for therapy on October 4th, he might be terminated. He left again without authorization. The claimant had from September 30th through October 4th to research his options. His leaving work the second time demonstrated his willfulness to disregard the employer's explicit directive. In addition, the claimant failed to return communication with the employer after the incident in an effort to resolve the matter, which exhibited further disregard for the employer's interests. For these reasons, I agree with the administrative law judge's decision.

John A. Peno

AMG/fnv