

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

---

JOYCE J FREDRICKSON

Claimant,

and

BOYS & GIRLS RESIDENTIAL  
TREATMENT

Employer.

:  
:  
:  
:  
:  
:  
:  
:

HEARING NUMBER: 09B-UI-08687

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**

D E C I S I O N

**UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE**

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

---

John A. Peno

---

Elizabeth L. Seiser

AMG/fnv

**DISSENTING OPINION OF MONIQUE F. KUESTER:**

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. I believe that the claimant quit to avoid what appears to have been an inevitable discharge. If she committed the actions that the employer testified to, these allegations alone, if true, constituted misconduct or at the least a failure to perform her job duties within the employer's expectations. However, the record as it stands does not support a discharge. In fact, the claimant provided credible testimony that she chose to quit for which I would conclude the quit was without good cause attributable to the employer. The claimant should be disqualified for benefits.

---

Monique F. Kuester

AMG/fnv

A portion of the employer's appeal to the Employment Appeal Board consisted of additional evidence which was not contained in the administrative file and which was not submitted to the administrative law judge. While the appeal and additional evidence (documents) were reviewed, the Employment Appeal Board, in its discretion, finds that the admission of the additional evidence is not warranted in reaching today's decision.

---

John A. Peno

---

Elizabeth L. Seiser

---

Monique F. Kuester

AMG/fnv