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

BRIANDADDISON	HEARING NUMBER: 17BUI-11243
and	EMPLOYMENT APPEAL BOARD
HS FARMS LTD	
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: 96.5-2-A, 96.3-7

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board, one member dissenting, 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**.

Kim D. Schmett

James M. Strohman

DISSENTING OPINION OF ASHLEY R. KOOPMANS:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the administrative law judge's decision. I would find the Employer's truck had an oil problem, for which the Claimant was expected to remedy while on the road. The Claimant was required to use his own financial resources, which he was limited, to purchase oil. His inability to adequately maintain oil in a problem truck was not intentional, nor a disregard for the Employer's interests. Based on this record, I would conclude that the Employer failed to satisfy its burden of proof. I would allow benefits provided the Claimant is otherwise eligible.

Ashley R. Koopmans

AMG/fnv