

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**.

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