

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

LONNIE A STERNER

Claimant,

and

CENTRO INC

Employer.

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HEARING NUMBER: 11B-UI-06184

**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 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**.

Monique F. Kuester

Elizabeth L. Seiser

DISSENTING OPINION OF JOHN A. PENO:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. Employees have a right to know when their performance is putting their job in jeopardy. The Claimant received a written warning in March that was later dismissed. However, with this termination, the employer failed to follow their own progressive disciplinary policy. If the Claimant received a written warning in March, any reasonable person would conclude that a similar violation would likely result in some type of second warning, which would be in accordance with the employer's progressive disciplinary policy. Since that did not happen, I would conclude that the Claimant did not know his job was in jeopardy. For this reason, I would allow benefits provided the Claimant is otherwise eligible.

John A. Peno

AMG/fnv