## BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building Fourth floor

Des Moines, Iowa 50319

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:

GARY W KIRKENDALL

HEARING NUMBER: 09B-UI-09211

Claimant,

.

and : **EMPLOYMENT APPEAL BOARD** 

DECISION

VERMEER MANUFACTURING CO

INC

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

## DECISION

## UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board 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.

The employer submitted a request to present new and additional evidence to the Employment Appeal Board in their written argument. The employer's request was denied because good cause was not established for why such evidence was not presented at the hearing. See 486 IAC 3.1(7).

John A. Peno	
Elizabeth L. Seiser	
Monique F. Kuester	

AMG/ss