

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

ALINA M TRIDLE

Claimant,

and

ESTHERVILLE PUBLICATIONS INC

Employer.

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HEARING NUMBER: 12B-UI-11121

**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: 96.5-1

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

Cloyd (Robby) Robinson

DISSENTING OPINION OF JOHN A. PENO:

I respectfully dissent from the decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge in its entirety. The record shows that the Employer replaced the Claimant because she could no longer drive. According to the Employer, the Claimant would have been terminated if she didn't resign. The Employer told the Claimant a week prior that if she couldn't drive, she should file for unemployment benefits because she would no longer have a job. Based on these facts and the fact that the Claimant repeatedly testified that she didn't quit, I would conclude that she was, essentially, forced to resign in lieu of being discharged, which is not a voluntary leaving. See, 871 IAC 24.26(21) As such, she should be allowed benefits provided she is otherwise eligible.

John A. Peno

AMG/fnv