

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

VANESSA R WARLAND

Claimant,

and

ELECTROLUX HOME PRODUCTS INC

Employer.

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HEARING NUMBER: 07B-UI-08740

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

D E C I S I O N

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board, one member concurring, 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**.

John A. Peno

Elizabeth L. Seiser

CONCURRING OPINION OF MARY ANN SPICER:

I agree with my fellow board members that the administrative law judge's decision should be affirmed; however, I would add the following comment:

The claimant's testimony seems credible. The employer had an opportunity to provide first-hand information to counter the claimant's evidence, but failed to have Ms. Warland's first line supervisor available. Therefore, the administrative law judge attributed more weight to the claimant's testimony. Perhaps the decision would have turned out differently had the first line supervisor been available to counter Ms. Warland's argument.

Mary Ann Spicer

AMG/kk