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

THOMASW FRAZIER	: : : <b>HEARING NUMBER:</b> 09B-UI-08326
Claimant,	: HEARING NOMBER. 09B-01-00320
and	: EMPLOYMENT APPEAL BOARD : DECISION
WEST LIBERTY FOODS LLC	: DECISION
Employer.	

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#### 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:** 96.5-1-d

### DECISION

# UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE BENEFITS

The employer 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.

John A. Peno	
Elizabeth L. Seiser	

# DISSENTING OPINION OF MONIQUE F. KUESTER

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. The employer attempted to work with the claimant; however, the claimant chose to quit prematurely when he didn't even attempt to try the position. The claimant never mentioned he was claustrophobic until he received the July job offer. For this reason, I would conclude that the claimant failed to satisfy his burden of proving that his quit was with good cause attributable to the employer.

Monique F.	Kuester	

AMG/kjo