

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

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**CODY LAMAAK**

Claimant

and

**ELITE STAFFING GLOBAL INC**

Employer

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**HEARING NUMBER: 16B-UI-04038**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**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-J, 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, one member concurring, 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**.

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Ashley R. Koopmans

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James M. Strohman

**CONCURRING OPINION OF KIM D. SCHMETT:**

I agree with my fellow board members that the administrative law judge's decision should be affirmed. However, I would also note that the record supports the Claimant had sufficient attendance problems to prove misconduct, but the Employer (temporary agency) did not terminate the Claimant. Rather, it was the Employer's client who laid the Claimant off, while the agency retained him.

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Kim D. Schmett

The Employment Appeal Board would correct the administrative law judge's Findings of Fact, first paragraph, third complete sentence as follows:

The Claimant performed services from November 24, 2015 through December 27, **2015**.

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Kim D. Schmett

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Ashley R. Koopmans

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James M. Strohman

AMG/fnv