

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 final act that led to the claimant's termination was her failure to timely clean a room, which took her more than 25 minutes. The employer's representative was unable to shed light on why the claimant took so long. When questioned why, the claimant provided no clear cut reason for the delay that answered the administrative law judge's inquiry.

The claimant received prior warnings in which the employer attempted to work with her on July 22nd regarding her performance. In fact, the record clearly established that the claimant had timeliness issues in getting all of her work done for which the employer issued additional warnings (August, 13th, 2011 and September 21, 2011) Finally, the employer placed the claimant on probationary status by issuing a Probationary Agreement that the claimant signed. Although I found the representative of the employer somewhat lacking in knowledge of this matter, in reviewing this record as a whole, I would deny benefits.

Monique F. Kuester

AMG/fnv