BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building Fourth floor

Des Moines, Iowa 50319

:

HEARING NUMBER: 08B-UI-02793

Claimant,

.

and : **EMPLOYMENT APPEAL BOARD**

DECISION

Employer.

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: 96.5-2-a

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board 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.

The Employment Appeal Board would correct the administrative law judge's Findings of Fact, second paragraph, to reflect that the claimant received the letter on *January 19, 2008*.

In addition,	we would poi	nt out that ev	en with the	claimant'	s receipt of	of this I	etter a	t this ti	me,
	at the claimant	•	t the findin	gs until	February	2 nd , in	and o	of itself,	, is
misconduct.	. (Tr. 7, lines 2	24-34)							

John A. Peno	-
Elizabeth L. Seiser	
Monique F. Kuester	

AMG/fnv