

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building, 4TH Floor
Des Moines, Iowa 50319
eab.iowa.gov**

ADAM J UTTERBACK

Claimant

and

BENJAMIN DETERS

Employer

: **APPEAL NUMBER: 24B-UI-02414**
: **ALJ HEARING NUMBER: 24A-UI-02414**
:
: **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: 96.5-2 96.3-7

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. With the following modification, 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** with the following **MODIFICATION**:

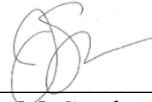
The Employment Appeal Board would modify the administrative law judge's "Decision" section to strike the first two sentences of the second paragraph:

~~There was no disqualifying separation. The claimant is allowed benefits, provided they remain otherwise eligible.~~

The paragraph, as modified, now states:

Claimant was discharged for substantial job-related misconduct. Unemployment insurance benefits funded by the State of Iowa are denied until the claimant has worked in and been paid wages for insured work equal to ten times their weekly benefit amount after the January 8, 2024, separation date, and provided they are otherwise eligible. No benefits have been paid to the claimant and the issues of overpayment and chargeability are moot.

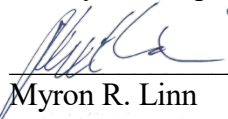
The Claimant has requested this matter be remanded for a new hearing. The Employment Appeal Board finds the applicant did not follow the instructions on the notice of hearing. Therefore, good cause has not been established to remand this matter. The remand request is **DENIED**.



James M. Strohman



Ashley R. Koopmans



Myron R. Linn

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DATED AND MAILED May 3, 2024