## BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

:

**JAMES D TANNER** 

**HEARING NUMBER:** 16B-UI-09445

Claimant

:

and

EMPLOYMENT APPEAL BOARD

**COUNCIL BLUFFS PAYROLL CO** 

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 affirms the administrative law judge's decision only as to the Claimant's repeated negligence; however, we would comment that the Claimant's submission of a 'malicious statement' into the Employee of the Month Box had no bearing on the outcome of our decision.

Lastly, the Claimant submitted additional evidence to the Board which was not contained in the administrative file and which was not submitted to the administrative law judge. While the additional evidence was reviewed for the purposes of determining whether admission of the evidence was warranted despite it not being presented at hearing, the Employment Appeal Board, in its discretion, finds that the admission of the additional evidence is not warranted in reaching today's decision. There is no sufficient

cause	why	the	new	and	additional	information	submitted	by	the	Claimant	was	not	present	ted a	aí
hearin	g. Ac	cord	ingly	all the	e new and a	dditional info	ormation su	bmit	tted l	nas not bee	n reli	ed up	on in m	nakin	ıβ
our de	cision	, and	l has r	eceive	ed no weigh	t whatsoever	, but rather !	has l	been	wholly dis	regard	ded.			

Kim D. Schmett
Ashley R. Koopmans
James M. Strohman

AMG/ms