BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

ANNA B CORTES

HEARING NUMBER: 18BUI-02559

Claimant

and : **EMPLOYMENT APPEAL BOARD** : **DECISION**

SWIFT PORK COMPANY

Employer

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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.

NOTICE

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, 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. 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 Reasoning and Conclusions of Law to include the following as supportive legal analysis:

In addition, we would also find the Claimant is not able and available for work. However, should the Claimant provide the Employer with any documentation showing she has been released to return to work and offers her services to the Employer, she may be eligible to collect benefits at that time.

Lastly, the Board would correct the administrative law judge's Reasoning and Conclusion the bottom of p. 4 going over to the top line of p. 5 to reflect, "Claimant further testific would not sign the form because he <i>did not</i> believed the injury to be work-related.	
Kim D. Schmett	
Ashley R. Koopmans	
James M. Strohman AMG/fnv	