

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

KELLEY J GERDTS

Claimant,

and

IOWA WORKFORCE

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HEARING NUMBER: 11B-EUCU-00214

**EMPLOYMENT APPEAL BOARD
DECISION**

N O T I C E

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: 96.3-4, 96.6-2

D E C I S I O N

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board, one member dissenting, 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**.

Monique F. Kuester

CONCURRING OPINION OF ELIZABETH L. SEISER:

I concur with my fellow Board member that the administrative law judge's decision should be affirmed. However, I would comment that while the claimant's case is subject to the double affirmance rule, I would also point out that this rule pertains only to that amount to which the claimant had a right to receive. Thus, any amount exceeding the amount to which she was originally entitled must be repaid in

accordance with Iowa law.

Elizabeth L. Seiser

AMG/fnv