

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

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ELAINE A PALMER

Claimant,

and

AEROTEK INC

Employer.

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HEARING NUMBER: 09B-UI-10867

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: 96.5-1**

**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**.

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Elizabeth L. Seiser

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Monique F. Kuester

RRA/ss

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**CONCURRING OPINION OF JOHN A. PENO:**

I agree with my fellow board members that the administrative law judge's decision should be affirmed; however, I would also comment that the Claimant may still be eligible for Disaster Unemployment Assistance and that the Administrative Law Judge referred to the agency "[t]he question of whether [the Claimant] is eligible for DUA effective September 28, 2008." The Claimant should proceed accordingly.

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John A. Peno

RRA/ss

The claimant has requested this matter be remanded for a new hearing. A majority of the Employment Appeal Board finds the applicant did not provide good cause to remand this matter. Therefore, the remand request is DENIED.

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John A. Peno

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Elizabeth L. Seiser

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Monique Kuester

RRA/ss