

**BEFORE THE
EMPLOYMENT APPEAL BOARD
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Website: eab.iowa.gov**

MARY RODASKY

Claimant

: **APPEAL NUMBER:** 24B-UI-01482
: **ALJ HEARING NUMBER:** 24A-UI-01482

and

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

10 ROADS EXPRESS LLC

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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.

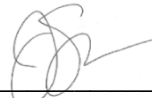
A **REHEARING REQUEST** shall state the specific grounds and relief sought. If the rehearing request is denied, a petition may be filed in **DISTRICT COURT** within **30 days** of the date of the denial.

SECTION: 96.5

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board, one member dissenting, 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**.



James M. Strohman



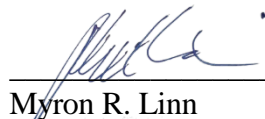
Ashley R. Koopmans

DISSENTING OPINION OF MYRON R. LINN:

I respectfully dissent from the majority decision of the Employment Appeal Board and would reverse the administrative law judge's decision. I would find the Claimant disqualified from receiving benefits due to insubordination. The Claimant occasionally had an aggressive attitude toward her co-workers and supervisor. She was verbally counseled about this behavior and, in October, the Employer issued a written warning about her unprofessional interactions with other staff members.

On December 18, the Claimant and her supervisor were having a discussion. The supervisor was trying to counsel the Claimant and the Claimant raised her voice in response. The supervisor told the Claimant to "Stop," because she needed the claimant to stop talking and start listening. The Claimant responded, "No, you stop."

Had this been the first confrontation between the Claimant and her supervisor, the Employer would have addressed the behavior with a lesser discipline. However, the Claimant had already been warned, and she continued to ignore the self-control expectations outlined in the October warning. This is a simple matter of insubordination, and I would reverse the ALJ's decision.



Myron R. Linn

SRC/fnv

DATED AND MAILED: MARCH 29 2024