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

KIP K MONK	HEARING NUMBER: 15B-UI-11606
Claimant,	
and	EMPLOYMENT APPEAL BOARD
PETERSON CONTRACTORS INC	. 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: 96.5-1, 96.6-2

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 would correct the administrative law judge's decision at page 2, a portion of the first paragraph to read as follows:

The administrative law judge concludes the *claimant* failed to effect a timely *appeal* within the time period prescribed by the Iowa Employment Security Law. This was *not* due to any Agency error or misinformation or delay or other action of the United States Postal Service, pursuant to 871 IAC

24.35(2). The administrative law judge further concludes that the *claimant* has failed to timely *appeal* pursuant to Iowa Code section 96.6(2), and the administrative law judge lacks jurisdiction to make a determination with respect to the nature of the claimant's termination of employment...

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

AMG/fnv