

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

PAMELA A KLUVER

Claimant,

and

GOOD SAMARITAN SOCIETY INC

Employer.

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HEARING NUMBER: 13B-UI-10153

**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: 96.5-2-A, 96.3-7

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. Two 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 Board notes that the Administrative Law Judge does not completely accurately describe the access to records by the unemployment system. It is correct that in the case of a DHS investigation of child abuse the agencies have no access. It is a quirk of Iowa law, however, that the agencies do have access to certain adult abuse information, other than unfounded abuse information. Thus the Administrative Law Judge and this Board has access to abuse information pursuant to Iowa Code §235B.6(2)(d)(4). The agency, however, cannot have access to unfounded information. Iowa Code §235B.6(3). Still, the Administrative Law Judge's discussion was thus a little inaccurate. This discussion was really only relevant to the request for a continuance. We find, regardless of abuse information access, that there was no error in denying the request. It was late, and the grounds are unconvincing. As the Administrative Law Judge pointed out the employer conducted its own investigation, and this was the basis for the termination. Thus it is that investigation that is relevant, along with whatever *evidence* may bear on the acts that caused the discharge.

But the Claimant was free to conduct discovery without waiting for the DIA investigation. Iowa Code §17A.13. Thus we agree with the decision to deny the continuance, a decision the Claimant does not expressly challenge before the Board.

John A. Peno

Cloyd (Robby) Robinson