

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

MICHAEL L HORTON

Claimant,

and

LANCE PRIVATE BRANDS LLC

Employer.

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HEARING NUMBER: 13B-UI-12249

**EMPLOYMENT APPEAL BOARD
NUNC PRO TUNC 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, 24.32-7

DECISION

FINDINGS OF FACT:

The administrative law judge issued a decision in this matter November 22, 2013. The decision was favorable to the Claimant. On November 27, 2013, the Claimant appealed the decision of the administrative law judge to the Employment Appeal Board.

REASONING AND CONCLUSIONS OF LAW:

Pursuant to 486 IAC 3.1(2), "[a]ny person aggrieved by a job service decision of an administrative law judge may appeal to the employment appeal board" The Employment Appeal Board interprets an aggrieved person to be one who receives an unfavorable decision from the administrative law judge. Here the decision of the administrative law judge is favorable to the Claimant. For this reason the Claimant's appeal must be and is dismissed.

DECISION:

The appeal of the Claimant is **DISMISSED**. The decision of the administrative law judge remains in full force and effect. The Employment Appeal Board would also note that the administrative law judge's

Decision contains a typo on the last page, second to the last sentence. That sentence should reflect that “[t]he claimant was **not** discharged for a current act of misconduct...”

John A. Peno

Monique F. Kuester

Cloyd (Robby) Robinson

AMG/fnv