# BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building

Fourth floor

Des Moines, Iowa 50319

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JENNIFER M GORSH

**HEARING NUMBER:** 17BUI-10188

Claimant

and

EMPLOYMENT APPEAL BOARD

: DECISION

WASHINGTON NURSING & REHABILITATION

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, 96.5-2-A

### DECISION

## **UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE**

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**.

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### **DISSENTING OPINION OF KIM D. SCHMETT:**

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the administrative law judge's decision. I would find the Claimant quit because she was dissatisfied with the work environment, i.e., staffing levels. See, 871 IAC 24.25(21), which provides that such a guit is without good cause attributable to the Employer. For this reason, I would deny benefits until such time she has worked in and was paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible. See, Iowa Code section 96.5(1)"g".

Kim D. Schmett

AMG/fnv