

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

REBBECA ROTH

Claimant

and

MONTEZUMA MFG DIV OF DIEOMATIC INC

Employer

HEARING NUMBER: 20BUI-00490

**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: 96.5-1, 24.25-29

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 comment that in analyzing whether the Claimant has proven good cause attributable to the Employer for his quit, we have applied the legal standards developed in the case law governing this type of case. In particular, the Claimant has not shown the risk of imminent job loss required under the cases. See e.g. *Brady v. Board of Review*, 704 A. 2d 547 (N.J. Sup. 1997)(setting out two part test and citing cases and explaining benefits are generally only allowed when there are objective facts supporting conclusion that if the resignation had not taken place layoff was imminent); *Childress v. Muzzle*, 663 SE 2d 583 (W. Va. 2008)(adopting *Brady* two part test); *Renda v. Unemployment Comp. Bd. of Review*, 837 A. 2d 685 (Pa. Cmwlth 2003); *Uniroyal Goodrich Tire v. Employment Sec.*, 913 P. 2d 1377 (Okla. App. 1996); *Sievers v. Unemployment*

Comp. Bd. of Review, 124 Pa. Cmwlth. 52, 555 A.2d 260, aff'd per curiam, 520 Pa. 83, 551 A.2d 1057 (1987); *York v. Review Bd. of Ind. Employment Sec.*, 425 NE 2d 707 (Ind. App. 1981); *Kentucky Unemploy. Ins. Com'n v. Kroehler Mfg. Co.*, 352 SW 2d 212 (Ky App. 1961); *Read v. Employment Sec. Dep't*, 62 Wash. App. 227, 813 P.2d 1262 (1991); *Robinson v. Department of Employment Sec.*, 827 P. 2d 250 (Utah App. 1992).

Ashley R. Koopmans

James M. Strohman

Kim D. Schmett

AMG/fnv