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

LORRIE G THUDIUM	: : : HEARING NUMBER: 09B-UI-12081
Claimant,	: HEARING NUMBER. 090-01-12001
and	: EMPLOYMENT APPEAL BOARD : DECISION
ORVILLE GRAVES	:

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: 96.5-2-A

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board, one member dissenting, 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.

Elizabeth L.	Seiser	
Monique F.	Kupetar	

AMG/fnv

DISSENTING OPINION OF JOHN A. PENO:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. The claimant was late on numerous occasions for which she received a prior warning. The employer seems to have fired the claimant primarily because the claimant issued a written warning to the employer's daughter for being tardy. The claimant was three minutes late on July 16, 2009 (Tr. 9); three minutes late on July 15th (Tr. 10); and eight minutes late on July 14th. The claimant testified that there was an understanding between her and Amber Mathis. (Tr. 21) The employer established that employees are late many times and don't get written up. (Tr. 15-16)

John A. Peno	

AMG/fnv