

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 was seven-month employee having prior warnings for other incidents and unexcused absences. His final acts occurred when he failed to report to work on two occasions when he was supposed to be on-call, which resulted in his termination. Based on this record, I would conclude the Employer satisfied their burden of proof and would deny benefits until such time he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. See, Iowa Code section 96.5(2)"a".

Kim D. Schmett

AMG/ss