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

CASEY L COPELAND	:	
	:	**HEARING NUMBER:** 11B-UI-16709
Claimant,	:	
and	:	**EMPLOYMENT APPEAL BOARD DECISION**
CASEYS MARKETING COMPANY	:	
Employer.		

N O T I C E

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

D E C I S I O N

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The Employer 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**.

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John A. Peno

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Elizabeth L. Seiser

DISSENTING OPINION OF MONIQUE F. KUESTER:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. Taking into account that claimant was working without the appropriate staff, I would also find that the claimant, who is a long-term employee, clearly violated policy by failing to follow proper procedure for requesting identification from certain customers prior to selling the customer tobacco. Her failure to follow procedure resulted in her selling tobacco to a minor, which was a clear violation of company policy that could have serious legal ramifications for the employer. I would conclude that the employer satisfied their burden of proof based on their evidence as well as the claimant's admission. For this reason, I would deny benefits.

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Monique F. Kuester

AMG/fnv