

**BEFORE THE
EMPLOYMENT APPEAL BOARD
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Website: eab.iowa.gov**

JOSEPH T MEYERS

Claimant

: **APPEAL NUMBER:** 24B-UI-12122
: **ALJ HEARING NUMBER:** 23A-UI-12122

and

:
: **EMPLOYMENT APPEAL BOARD**
: **DECISION**

ARCHER DANIELS MIDLAND CO

:
:
:
:

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.

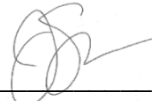
SECTION: 96.5

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**.

The Employer has requested this matter be remanded for a new hearing. The Employment Appeal Board finds the applicant did not follow the instructions on the notice of hearing. Therefore, good cause has not been established to remand this matter. The remand request is **DENIED**.




James M. Strohmman



Ashley R. Koopmans

DISSENTING OPINION OF MYRON R. LINN:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the administrative law judge's decision. I would find that it is very common for employers to have zero tolerance policies for safety violations. In this case, the Employer has a well communicated policy for compliance of all safety requirements. The Claimant had been employed for approximately 18 months and knew the policy, yet he decided to violate the policy. I would find the Employer terminated the Claimant in compliance with its known policy.



Myron R. Linn

SRC/fnv

DATED AND MAILED: FEBRUARY 29 2024