



AMG/fnv

**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. I do not find the claimant's testimony that he was unaware of his situation to be credible. If a prudent person knows that his attendance is an issue, then that individual should do everything possible to avoid further infractions, i.e., oversleeping.

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Monique F. Kuester

AMG/fnv