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

:

PAUL W LEWIS

HEARING NUMBER: 09B-UI-00044

Claimant,

and

EMPLOYMENT APPEAL BOARD DECISION

WINEGARD COMPANY

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 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.

John A. Peno	
Elizabeth L. Seiser	

# 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.

Monique F. Kuester	

AMG/fnv