BEFORE THE EMPLOYMENT APPEAL BOARD

Lucas State Office Building Fourth floor Des Moines, Iowa 50319

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AMBER M BROWN

HEARING NUMBER: 12B-UI-03872

Claimant,

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and

EMPLOYMENT APPEAL BOARD

DECISION

JACOBSON STAFFING CO LC

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 DENIED

The Claimant 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**.

Moniqu	e F. Kuest	ter	

DISSENTING OPINION OF JOHN A. PENO:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. The Employer (Jacobson Staffing) terminated the Claimant for no reason. A glove went through a machine, which the Claimant denied placing it there. The Claimant got oil on the gloves, and left them on the desk/platform to retrieve a new pair.

At the hearing, the Employer called in at which time the administrative law judge gave synopsis of hearing. The Employer received a call on March 4, 2012 informing her that the Claimant intentionally threw gloves into a machine. The Employer read witnesses' statements into the record, which the Claimant denied all allegations. The Employer provided no firsthand witness to refute the Claimant's firsthand testimony. I would attribute more weight to the Claimant's version of events. For this reason, I would allow benefits provided the Claimant is otherwise eligible.

John A. Peno	

AMG/fnv