

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

VICKY L WOODS

Claimant,

and

SCHUEMAN TRANSFER INC

Employer.

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HEARING NUMBER: 08B-UI-02327

EMPLOYMENT APPEAL BOARD
DECISION

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(1)

DECISION

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The employer appealed this case to the Employment Appeal Board. All members of the Employment Appeal Board reviewed the entire record. A majority of the Appeal Board, one member dissenting, finds the administrative law judge's decision is correct. With the following modification, 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** with the following **MODIFICATION**:

The Employment Appeal Board would modify the administrative law judge's decision by deleting all references to Cobb v. Employment Appeal Board, 506 N.W.2d 445 (Iowa 1993), as this case

does not involve a health-related issue. Instead the Board would modify the administrative law judge's decision by citing O'Brien v. Employment Appeal Board, 494 N.W.2d 660 (Iowa 1993) and as supporting authority. The Board would agree, however, that even if Cobb's notice requirement applied to this case that the claimant would have satisfied it.

John A. Peno

Elizabeth L. Seiser

Monique Kuester

RRA/fnv