

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. Based on the evidence and testimony presented at the hearing, I would find that the claimant's conduct constituted intentional wrongdoing in that his actions were a deliberate disregard of the employer's interests. Such behavior fits within the realm of misconduct as defined by Iowa law.

The claimant had multiple verbal and written warnings; thus, he was fully aware of the company policies and procedures. The cumulative nature of his violations clearly constituted misconduct. I would conclude that the employer satisfied their burden of proof and that benefits should be denied.

Monique F. Kuester

AMG/fnv