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

ANSU O KAMARA	: : : HEARING NUMBER : 10B-UI-16828
Claimant,	:
and	: EMPLOYMENT APPEAL BOARD : DECISION
SWIFT & COMPANY	: DECISION
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: 96.5-2A

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	

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