BEFORE THE EMPLOYMENT APPEAL BOARD Lucas State Office Building

Fourth floor
Des Moines, Iowa 50319

| NANCY A STODDEN | : |
|--|------------------------------------|
| Claimant | : HEARING NUMBER: 18BUI-09636 : |
| and | EMPLOYMENT APPEAL BOARD |
| J&D RESTAURANTS INC | 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 : 96.5-1, 24.1-113 | |
| 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 reviewed the entire record. The Appeal Board, one member dissenting, 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 . | |

James M. Strohman

Ashley R. Koopmans

DISSENTING OPINION OF KIM D. SCHMETT:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the administrative law judge's decision. Regardless of the outcome of this matter, I would find should the Employer make the Claimant a definite offer of employment, and the Claimant refuses that offer, the Claimant shall be disqualified for benefits.

Kim D. Schmett

AMG/fnv