

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

CASSIDY S MITCHELL

Claimant

and

CASEY'S MARKETING CO

Employer

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HEARING NUMBER: 15B-UI-06787

**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: 96.5-2-A

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 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 Reasoning and Conclusions of Law to include the following as supportive legal analysis:

We note that the Claimant is a long-term employee with an unblemished record of appropriately scanning customer IDs in compliance with the Employer's policy, as well as passing prior undercover sting operations. In light of the circumstances, i.e., medical emergency involving her critically ill son, her failure

to scan ID in this instance was not due to negligence or intentional oversight. Rather, we conclude it was an isolated instance of poor judgment that didn't rise to the legal definition of misconduct.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

AMG/fnv