

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

EUGENE M JOHNSON

Claimant,

and

TURPIN DODGE OF DUBUQUE LLC

Employer.

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HEARING NUMBER: 11B-UI-03108

**EMPLOYMENT APPEAL BOARD
DECISION**

N O T I C E

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

D E C I S I O N

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 concurring, 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

Monique F. Kuester

AMG/kjo

CONCURRING OPINION OF ELIZABETH L. SEISER:

I concur with the majority decision of the Employment Appeal Board that the administrative law judge's decision should be affirmed. However, I would also comment that Iowa law precludes any waiver of statutory rights. The claimant is still eligible to apply for unemployment benefits regardless of any voluntary settlement. "Any agreement by an individual to waive, release, or commute the individual's rights to benefits or any other rights under this chapter shall be void.... No employer shall directly or indirectly make or require or accept any deduction from wages to finance the employer's contributions required from the employer, or require or accept any waiver of any right hereunder by any individual in the employer's employ." Iowa Code §96.15 (violation is misdemeanor).

Elizabeth L. Seiser

AMG/kjo