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

MARY DENISE TEMPLETON

Claimant,

and

EMPLOYMENT APPEAL BOARD DECISION

FARMERS SAVINGS BANK

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: 96.5-2-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, 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. The claimant had an established record of excessive errors and carelessness, which I would find constitute misconduct under its legal definition. The claimant committed deliberate acts and omissions in the course of her employment. Both the employer and his witness provided substantial evidence to establish the claimant's repeated breaches in the duties and obligations to perform her job up to standard. It would greatly benefit the employer to update their policies and procedures to accurately reflect the bank's current expectations of its employees. Based on the merits of this case, I would conclude that the claimant's actions showed an intentional and substantial disregard for the employer's interests. For these reasons, I would conclude that the employer satisfied their burden of proof and I would deny benefits.

Monique F. Kuester	

AMG/fnv