

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