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

JANETTE L BEDARD	: : : HEARING NUMBER : 08B-UI-07050
Claimant,	: TEARING NOWBER, 00B-01-07000
and	: EMPLOYMENT APPEAL BOARD : DECISION
HOPE HAVEN INC	: DECIGION
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

The claimant 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.

Elizabeth L. Seiser
Monique F. Kuester

DISSENTING OPINION OF JOHN A. PENO:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. The supervisor gave the claimant a direct order not to call the claimant's parents about a trip cancellation. The claimant called the parents because the claimant knew that the patient would not handle the trip cancellation well and she wanted the parents to know about the situation. There was no evidence of any prior disciplinary actions against the claimant. For this reason, I would conclude that this was an isolated instance of poor judgment that didn't rise to the legal definition of misconduct. Benefits should be allowed provided she is otherwise eligible.

	John A. Peno	-
AMG/ss		
A portion of the claimant's appeal to the Employmen which was not contained in the administrative file and vijudge. While the appeal and additional evidence (doc Board, in its discretion, finds that the admission of the today's decision.	which was not submitted to the adm cument) were reviewed, the Emplo	inistrative law yment Appeal
	John A. Peno	
	Elizabeth L. Seiser	
	Monique F. Kuester	