

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

ASHLEE R TRAFFORD

Claimant,

and

L A LEASING INC

Employer.

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HEARING NUMBER: 10B-UI-08415

**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)(J)

D E C I S I O N

UNEMPLOYMENT BENEFITS ARE DENIED

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**.

Monique K. Kuester

Elizabeth L. Seiser

AMG/kjo

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 record establishes that the employer was aware that the claimant's assignment ended on January 11th. There is conflicting testimony as to when the claimant was notified that her assignment had ended. On the one hand, the employer testified that it ended on January 6th, while the claimant testified that it ended on January 9th. Neither party produced any evidence to support their respective positions.

The claimant testified that she contacted the employer within a couple of days and continued to do so until she secured a job. The record establishes that the employer had no work for the claimant as of January 11th, when the employer allegedly became aware of her assignment's end. According to the employer, the claimant was one day late in reporting. The claimant testified that she didn't remember signing any availability document, and the employer failed to provide any relevant documentation to support such a document existed. For this reason, I attribute more weight to the claimant's version of events, and would allow benefits provided she is otherwise eligible.

John A. Peno

A portion of the claimant's appeal to the Employment Appeal Board consisted of additional evidence which was not contained in the administrative file and which was not submitted to the administrative law judge. While the appeal and additional evidence (documents) were reviewed, the Employment Appeal Board, in its discretion, finds that the admission of the additional evidence is not warranted in reaching today's decision.

John A. Peno

Monique F. Kuester

Elizabeth L. Seiser