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

LAURIE G WITCHER	: :
Claimant,	: HEARING NUMBER: 08B-UI-00760 :
and	: EMPLOYMENT APPEAL BOARD
TARGET CORPORATION	: DECISION :

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(1)

### DECISION

## 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.

Elizabeth L. Seiser	
Mary Ann Spicer	

# 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 claimant's supervisor chastised her and directed her "... to finish out the day, and volunteer, go help the other workers... [she's] done..." (Tr. 9, lines 15-25) As any reasonable person would believe, the claimant believed in good faith that she had been terminated, which was the reason she did not return to work. Additionally, the claimant was the only person to testify who had firsthand knowledge of the final act that led to her termination. Thus, I would attribute more weight to her testimony as to why she did not return to work. Benefits are allowed provided the claimant is otherwise eligible.

John A. Peno	

AMG/ss