

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