

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

BILLY R GOWDY

Claimant,

and

NITE OWL PRINTING

Employer.

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HEARING NUMBER: 09B-UI-04083

EMPLOYMENT APPEAL BOARD
DECISION

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: 871IAC24.26(19)

DECISION

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

The employer 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**.

John A. Peno

Elizabeth L. Seiser

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. It appears that the lines of communication broke down between the claimant and the Iowa Workforce Development Center. I found the employer's consistent claim to be credible that there was ample work available. The claimant failed to contact the employer directly; therefore, I do not believe that the employer bears responsibility for benefits. The employer testified that they contacted Iowa Workforce Development Center repeatedly and specifically asked for the claimant by name. The claimant testified that he was aware that others were still working on the print job and I believe that his failure to contact the employer was an error on the claimant's part. I would reiterate that the employer should not be held responsible for the claimant's situation and the lack of communication between the claimant and the Workforce staff.

Monique F. Kuester

AMG/fnv