

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. While the claimant was discharged based on the merits of this case, I believe that the employer sufficiently proved that the claimant's attendance and inability to perform her job tasks constituted misconduct and justified her termination. The claimant had to leave job sites to tend to personal matters and had multiple excuses to justify her absences. I think that her poor attendance and poor job performance outweigh the lack of currentness of her action. Benefits should be denied.

Monique F. Kuester

AMG/fnv