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

MARIA C GONZALEZ	: : : <b>HEARING NUMBER</b> : 09B-UI-04997
Claimant,	:
and	: : EMPLOYMENT APPEAL BOARD
IMAGE INC	: 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:** 96.5-2-a

### 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	

# 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