

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

CHARLOTTE A MASSEY

Claimant,

and

DELAVAN INC

Employer.

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HEARING NUMBER: 13B-UI-05145

**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: 96.5-D1

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**.

Monique F. Kuester

Cloyd (Robby) Robinson

DISSENTING OPINION OF JOHN A. PENO:

I respectfully dissent from the decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. The Claimant quit due to stress-related health issues. She moved to a new area on February 5, 2013 where she did inventory every night. Her job caused her much stress because she feared any mistakes she might make regarding wrong parts could cause an airplane crash. She expressed these concerns to her supervisor. Her supervisors were not concerned about her co-worker's mistakes because the co-worker and supervisor were friends. The co-worker changed inventory to make the Claimant's entries wrong.

The Claimant's evidence and testimony are the only evidence in the record, as the Employer failed to appear the hearing to refute the Claimant's firsthand testimony. Thus, I would attribute more weight to the Claimant's version of events. Based on this record, I would conclude that the Claimant worked under detrimental and intolerable working conditions for which her quit was with good cause attributable to the Employer. For this reason, I would allow benefits provided the Claimant is otherwise eligible.

John A. Peno

AMG/fnv