



**DISSENTING OPINION OF KIM D. SCHMETT:**

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the administrative law judge's decision. The record establishes that the Claimant was discovered sleeping on the job (February 23, 2015) after he'd been previously warned on February 6<sup>th</sup>, 2015 for sleeping at work. The Employer requested that he provide documentation regarding the medication he said he was taking that caused his drowsiness, which he failed to do. For this reason, I would deny benefits until such time he has worked in and has been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible. See, Iowa Code section 96.5(2)"a".

---

Kim D. Schmett

AMG/fnv