

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

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DALE IHEDILIONYE

Claimant,

and

MARKETLINK INC

Employer.

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HEARING NUMBER: 08B-UI-09369

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: 96.5-2-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 concurring, 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**.

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 John A. Peno

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 Elizabeth L. Seiser

AMG/fnv

**CONCURRING OPINION OF MONIQUE F. KUESTER:**

I agree with my fellow board members that the administrative law judge's decision should be affirmed; however, I would find that the claimant clearly knew that absences in excess of eight (8) for which she had 13 in total, would result in termination, regardless of the reason. I believe that employer attempted to work with the claimant; however, given the employer's policy, the employer had no choice but to sever their employment relationship.

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Monique F. Kuester

AMG/fnv