

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
Lucas State Office Building, 4<sup>TH</sup> Floor  
Des Moines, Iowa 50319  
eab.iowa.gov**

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**JACOB C LINNE**

Claimant

and

**HWH CORPORATION**

Employer

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**HEARING NUMBER: 22B-UI-05467**

**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**

**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 reviewed the entire record. The Appeal Board, one member dissenting, 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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James M. Strohman

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Ashley R. Koopmans

**DISSENTING OPINION OF MYRON R. LINN:**

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the administrative law judge's decision. I would find the Employer made a reasonable request when he asked the Claimant to discontinue using the front office as his personal break room. The Claimant's insistence that the Employer provide him documentation to support he was disallowed was unreasonable in light of the fact that the Employer provided its employees with a designated breakroom. The Claimant's argumentative behavior became insubordination when the Employer repeatedly directed him to leave, and he refused to do so. The Court in *Gilliam v. Atlantic Bottling Company*, 453 N.W.2d 230 (Iowa App. 1990) held that continued failure to follow reasonable instructions constitutes misconduct. For this reason, I would conclude the Employer satisfied its burden of proving disqualifying job-related misconduct; and 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".

AMG/fnv

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Myron R. Linn