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

:

SHERICA S SMITH

HEARING NUMBER: 09B-UI-00590

Claimant,

.

and

EMPLOYMENT APPEAL BOARD

DECISION

ALLEN MEMORIAL HOSPITAL

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. All members of the Employment Appeal Board reviewed the entire record. A majority of the Appeal Board, one member concurring, finds the administrative law judge's decision is correct. With the following modification, 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** with the following **MODIFICATION**:

The Employment Appeal Board would modify the administrative law judge's decision by deleting the last sentence of the Reasoning and Conclusions of Law, which reads "In addition, the employer displayed behavior consistent with insensitivity to certain groups of employees."

Elizabeth L. Seis	er	

CONCURRING	ODINION OF		DENIO:
CONCORRING	OPINION OF	JUNIN A.	PENU.

I agree with my fellow board members that the administrative however, I would not modify the administrative law judge's of	, ,
John AMG/fnv	n A. Peno