

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

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**C C HILDRETH**

Claimant,

and

**CONTRACT TRANSPORT INC**

Employer.

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**HEARING NUMBER: 10B-UI-11382**

**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: 96.5-1**

**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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Monique F. Kuester

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Elizabeth L. Seiser

**CONCURRING OPINION OF JOHN A. PENO:**

I agree with my fellow board members that the administrative law judge's decision should be affirmed; however, I would note that the employer's assertion that the claimant earned \$690 for the week he was laid off should be directed to the Iowa Workforce Development Center, Claims Section, for consideration. As to that one week alone, the employer's account *was* charged since it was a layoff situation. As for the employer's reference regarding the employer's account not being charged, this only applies to the issue of the claimant's September 29<sup>th</sup> separation for which he was entitled to benefits that *were not* chargeable to the employer's account. I would remind the employer that the administrative law judge also took testimony after both parties waived notice on the final separation. (Tr. 5, lines 6-23)

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John A. Peno

AMG/fnv