# BEFORE THE EMPLOYMENT APPEAL BOARD

### Lucas State Office Building Fourth floor Des Moines, Iowa 50319

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JAMES W WHEELER

: **HEARING NUMBER:** 17BUI-05978

Claimant

and : **EMPLOYMENT APPEAL BOARD** 

: DECISION

WHIRLPOOL CORPORATION

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: 96.5-1-D** 

#### DECISION

#### **UNEMPLOYMENT BENEFITS ARE DENIED**

The Claimant 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**.

Kim D. Schmett		
Ashley R. Koopmans	 	 

## **DISSENTING OPINION OF JAMES R. STROHMAN:**

AMG/fnv

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 Claimant had good cause attributable to quit when the Employer failed to appropriately and timely accommodate his work-related injury. For this reason, I would allow benefits provided the Claimant is otherwise eligible.
James M. Strohman
The Claimant submitted additional evidence to the Board which was not contained in the administrative file and which was not submitted to the administrative law judge. While the additional evidence was reviewed for the purposes of determining whether admission of the evidence was warranted despite it not being presented at hearing, the Employment Appeal Board, in its discretion, finds that the admission of the additional evidence is not warranted in reaching today's decision. There is no sufficient cause why the new and additional information submitted by the Claimant was not presented at hearing. Accordingly all the new and additional information submitted has not been relied upon in making our decision, and has received no weight whatsoever, but rather has been wholly disregarded.
Kim D. Schmett

Ashley R. Koopmans