

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

DEREK P WESTON

Claimant,

and

IOWA WORKFORCE

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HEARING NUMBER: 11B-UI-07365

**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: 24.21-1-3&G

DECISION

UNEMPLOYMENT BENEFITS ARE DENIED

The Claimant appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board, one member dissenting, 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**.

Monique F. Kuester

Elizabeth L. Seiser

DISSENTING OPINION OF JOHN A. PENO:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. Iowa Workforce Development Center (IWD) had no wages reported for the time the claimant filed because there was a problem with entering such information into the system. Iowa Workforce Development Center advised the claimant to keep track of his job contacts.

He, too, was unable to use the system to report his job contacts.

Sometime in January of 2011, IWD contacted the claimant with information that the claimant's wages were found. The claimant believed he was going to get paid based on this information. When he didn't, he contacted the agency again, and told to bring his list of job contacts into the agency, which he complied in early May of 2011.

The claimant's delay was due to his being out of town and he didn't know of decision. When he finally contacted Workforce, he wasn't aware he needed to send in his contacts. As soon as he became aware that he needed to submit this information, he immediately took action to comply.

John A. Peno

AMG/fnv