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

JOHN HOYT	: :
Claimant,	: HEARING NUMBER: 09B-UI-12184 :
and	: EMPLOYMENT APPEAL BOARD : DECISION
MANPOWER INTERNATIONAL INC	:
Employer.	
N	OTICE
	s (1) a request for a REHEARING is filed with the ne date of the Board's decision or, (2) a PETITION TO ays of the date of the Board's decision.
	ecific grounds and relief sought. If the rehearing request COURT within 30 days of the date of the denial.
SECTION: 96.5-1-j	
DE	CISION
UNEMPLOYMENT BENEFITS ARE DENIE	≣D
Appeal Board, one member concurring, reviewadministrative law judge's decision is correct.	ment Appeal Board. The members of the Employment ewed the entire record. The Appeal Board finds the The administrative law judge's Findings of Fact and by the Board as its own. The administrative law judge's
	Elizabeth L. Seiser

Monique F. Kuester

AMG/fnv

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 comment that the claimant is not required to report his availability to the employer on a weekly basis to qualify for unemployment benefits. The claimant disputes that he signed an availability form and the employer failed to present the form at the hearing. However, the employer is entitled to know that the claimant is available for work.

I find the employer's testimony that the claimant informed him not to send his resume to another customer in Burlington based on the claimant's intention to work for the City of Keokuk to be credible. The claimant admits he applied there, but was not hired. The only way the employer would know about the claimant's situation with the City of Keokuk would be from the claimant. Thus, I find the employer's testimony more credible than the claimant's and would affirm the administrative law judge's decision.

John A. Peno	_

AMG/fnv