

DISSENTING OPINION OF MONIQUE KUESTER:

I respectfully dissent from the majority decision of the Employment Appeal Board. After careful review of the record, I would reverse the decision of the administrative law judge. From my review of the record I conclude that the Employer is more credible. I would find that the Employer informed the Claimant about the proper procedure for clocking out, and that the Claimant was aware that his conduct was contrary to policy. I would for this reason deny benefits.

Monique F. Kuester

RRA/fnv