

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

MELISSA M CELINDRO MURRAY

Claimant,

and

I C SYSTEM INC

Employer.

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HEARING NUMBER: 13B-UI-02564

**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 DENIED

The Claimant appealed this case to the Employment Appeal Board. Two members of the Employment Appeal Board 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

Cloyd (Robby) Robinson

DISSENTING OPINION OF JOHN A. PENO:

I respectfully dissent from the decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge in its entirety. I find the claimant's testimony credible that she tried to call Ms. Platts on November 21, 2012, but was unable to connect with her so she contacted her supervisors, Jason and Nicole. Jason told the claimant that the employer would contact her when the employer decided where the claimant would be assigned. The claimant did not receive a return call. The claimant called again on December 4th and was informed that she was discharged. Neither Jason nor Nicole testified at the hearing. Thus, I would attribute more weight to the claimant's firsthand testimony. For this reason, I would allow benefits provided the claimant is otherwise eligible.

John A. Peno

AMG/mes