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

LORI GRAHAM	: : : HEADING NUMBED: 00D LU 06012
Claimant,	: HEARING NUMBER: 08B-UI-06913 :
and	: EMPLOYMENT APPEAL BOARD : DECISION
WELLMAN DYNAMICS INC	: DECISION
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:** 96.5-2-a

## 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.

John A. Peno	
Monique F. Kuester	

# DISSENTING OPINION OF ELIZABETH L. SEISER:

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the
decision of the administrative law judge. Based on review of the administrative file, I find that the
claimant was discharged for a final act of absence due to her minor daughter's illness (there was no issue
regarding failing to report this absence). The burden is on the employer to establish that the claimant
committed job-related misconduct in discharge cases. Cosper v. Iowa Department of Job Service, 321
N.W.2d 6 (Iowa 1982). This record lacks evidence as to the nature of absences that led to the
claimant's termination based on misconduct.

	Elizabeth L. Seiser
AMG/ss	
	administrative law judge's Findings of Fact to indicate the decision was based on the law and information
	John A. Peno
	Elizabeth L. Seiser
	Monique F. Kuester