

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

The Employment Appeal Board would correct the administrative law judge's Findings of Fact to indicate that *no testimony was taken at the hearing* as the decision was based on the law and information contained in the administrative file.

John A. Peno

Elizabeth L. Seiser

Monique F. Kuester

AMG/ss