

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

LOC D HOANG

Claimant

and

EMCO ENTERPRISES LLC

Employer

HEARING NUMBER: 17BUI-09954

**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: 96.5-2-A

DECISION

UNEMPLOYMENT BENEFITS ARE ALLOWED IF OTHERWISE ELIGIBLE

Both parties appealed this case to the Employment Appeal Board. The 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**.

We note the decision was favorable to the Claimant. As such, the Claimant's appeal is dismissed pursuant to 486 IAC 3.1(2), which holds that "[a]ny person aggrieved by a job service decision of an administrative law judge may appeal to the Employment Appeal Board" The Employment Appeal Board interprets an aggrieved person to be one who receives an unfavorable decision from the administrative law judge. This

decision was favorable as to the separation issue; however, the issue of whether the Claimant was able and available for work must be addressed. For this reason, we are referring this matter to the Iowa Workforce Development, Claims Bureau, for a determination of the able and available issue.

Kim D. Schmett

Ashley R. Koopmans

James M. Strohman

AMG/fnv