

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

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**JESSICA M RUSSELL**

Claimant

and

**KWIK SHOP INC**

Employer

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**HEARING NUMBER: 16B-UI-10620**

**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 ALLOWED IF OTHERWISE ELIGIBLE**

The Employer appealed this case to the Employment Appeal Board. The members of the Employment Appeal Board reviewed the entire record. The Appeal Board, one member dissenting, 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**.

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Ashley R. Koopmans

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James M. Strohman

**DISSENTING OPINION OF KIM D. SCHMETT:**

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the administrative law judge's decision. While I understand the Claimant's concerns after being held up at gunpoint, that incident occurred several months prior to her decision to quit. Additionally, the Employer offered the Claimant counseling. The Claimant's other reasons for quitting involved a personal issue (child care) and a complaint about her co-worker sexually harassing for which she quit prior to the end of the Employer's investigation into her complaint. For these reasons, I would conclude that the Claimant failed to satisfy her burden of proving that her quit was with good cause attributable to the Employer.

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Kim D. Schmett

AMG/fnv