

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

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**RUTH A HALL**

Claimant,

and

**BEATON INC/BURGER KING**

Employer.

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**HEARING NUMBER: 11B-UI-01658**

**EMPLOYMENT APPEAL BOARD  
DECISION**

**N O T I C E**

**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, 96.3-7**

**D E C I S I O N**

**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**.

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Monique F. Kuester

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Elizabeth L. Seiser

**DISSENTING OPINION OF JOHN A. PENO:**

I respectfully dissent from the majority decision of the Employment Appeal Board; I would reverse the decision of the administrative law judge. The employer testified that the Claimant quit; however, the Claimant argues that she was terminated. Ms. Windfield did not put the Claimant on the schedule when the Claimant returned to the employer on November 20<sup>th</sup>, 2011. The Claimant also talked to Erica Long who informed the Claimant on or about December 17<sup>th</sup> that the Claimant's position had been filled. (Tr. 13-15) The employer required the Claimant to sign termination papers to get her final check. The employer replaced the Claimant while she was on a leave of absence. Neither Ms. Windfield nor Ms. Long was at the hearing to refute the Claimant's firsthand testimony. Thus, I would attribute more weight to the Claimant's version of events and would allowed benefits provided the Claimant is otherwise eligible.

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John A. Peno

AMG/fnv