

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

RICKEY S PALMER

Claimant,

and

TRIPLE D CONTRACTING INC

Employer.

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HEARING NUMBER: 15B-UI-12599

**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, 96.4-3

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, 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**.

Ashley R. Koopmans

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. I would find that the Claimant is disqualified based on a voluntary quit without good cause attributable to the Employer because he, essentially, had a nonwork-related issue that precluded him from performing his regular duties. As such, the Employer is not obligated to accept the Claimant's return to work with light duty restrictions, even if such work was available, until the Claimant is fully recovered within the meaning of Iowa Code section 96.5(1)"d". See, *Hedges v. Iowa Department of Job Service*, 368 N.W.2d 862 (Iowa App. 1985)

Kim D. Schmett

AMG/fnv