



Governor Brian Schweitzer

# Montana

## Board of Labor Appeals

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Norman Grosfield, Chairperson  
Brian Boland, Member  
JP Pommichowski, Member

Board Meeting Agenda, Wednesday, May 2, 2012  
Third Floor Conference Room, Walt Sullivan Building  
1315 East Lockey, Helena, Montana

### 8:30 A.M.

Call to order  
Staff attorney's comments  
Public comments  
Approval of April minutes

### SCHEDULED REVIEWS

#### Between 8:30 A.M. and 9:00 A.M.

Case: # 1568-2012

Appellant: Jeffrey Dauenhauer

Respondent: Sears Roebuck & Co.

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct.)

#### Between 9:00 A.M. and 10:00 A.M.

Case: # 1558-2012

Appellant: Tina Read

Respondent: Warehouse Demo Services

ISSUE: Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct.)

**Case: # 1543-2012**

**Appellant:** Susan Marquart

**Respondent:** TJX Companies Inc.

**ISSUE:** Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct.)

**Case: # 1504-2012**

**Appellant:** South Bitterroot Recreation LLC

**Respondent:** Donna Jakobson

**ISSUE:** Whether the claimant is qualified to receive benefits under the Emergency Unemployment Compensation Act of 2008, Pub. L. 110-252, based upon the separation from employment as provided in Mont. Code Ann. § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct).

**Between 10:00 A.M. AND 11:00 A.M.**

**Case: # 1395-2012**

**NEW MATERIAL**

**Appellant:** Red Giant Oil Company

**Respondent:** David Royce

**ISSUE:** Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct.)

**Case: # 1575-2012**

**Appellant:** Montana Restaurant Partners Inc.

**Respondent:** Joshua Boyd

**ISSUE:** Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct.)

**Case: # 1348-2012**

**Appellant:** Logan Wilcox

**Respondent:** Dept of Labor and Industry

**ISSUE #1:** Whether the appeal was timely filed or whether the appellant had good cause to delay filing the appeal as provided in Mont. Code Ann. § 39-51-2403. (30 days late to Board of Labor Appeals)

**ISSUE #2:** Whether the appeal was timely filed or whether the appellant had good cause to delay filing the appeal as provided in Mont. Code Ann. § 39-51-2402(3). (27 days late to request a redetermination)

**Between 11:00 A.M. AND 12:00 P.M.**

**Case: # 1569-2012**

**Appellant:** Reach Inc.

**Respondent:** Marsha Thill

**ISSUE:** Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct.)

**Case: # 1604-2012**

**Appellant:** Star Printing Co.

**Respondent:** John Eades

**ISSUE:** Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct.)

**Case: 1617-2012**

**Appellant:** Big Mountain Lodge of Whitefish

**Respondent:** Santa Pariyar Bishwokarma

**ISSUE:** Whether the claimant is qualified to receive benefits under the Emergency Unemployment Compensation Act of 2008, Pub. L. 110-252, based upon the separation from employment as provided in Mont. Code Ann. § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct).

**LUNCH BREAK – 12:00 to 1:00**

**Between 1:00 p.m. and 2:00 p.m.**

**Case: # 1632-2012**

**NEW MATERIAL**

**Appellant:** University of Great Falls

**Respondent:** Teresa Hill

**ISSUE:** Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct.)

**Case: # 1542-2012**

**Appellant:** Carol Azure

**Respondent:** Shelly Bruce Enterprises

**ISSUE:** Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct.)

**Case: # 1627-2012**

**Appellant:** Danel Smith

**Respondent:** Dept of Corrections .

**ISSUE:** Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct.)

**Between 2:00 P.M. AND 3:00 P.M.**

**Case: # 1626-2012**

**Appellant:** Steve J. Boardner, Jr.

**Respondent:** Dept of Labor and Industry

**ISSUE:** Whether the appeal was timely filed or whether the appellant had good cause to delay filing the appeal as provided in Mont. Code Ann. § 39-51-2402(3). (271 days late to request hearing)

**Case: # 1667-2012**

**Appellant:** Brandon Knapp

**Respondent:** P J & J

**ISSUE:** Whether the claimant is qualified to receive benefits under the Emergency Unemployment Compensation Act of 2008, Pub. L. 110-252, based upon the separation from employment as provided in Mont. Code Ann. § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct).

**Case: # 1640-2012**

**Appellant:** Custom Cabinets Unlimited Inc.

**Respondent:** Chad Wilkerson

**ISSUE:** Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct.)

**Between 3:00 P.M. AND 4:00 P.M.**

**Case: # 1698-2012**

**Appellant:** BSW Inc.

**Respondent:** Leanna Schmidt

**ISSUE:** Whether the claimant is qualified to receive benefits based upon the separation from employment as provided in Mont. Code Ann § 39-51-2302 (leaving work without good cause) or § 39-51-2303 (discharge for misconduct.)

**ADJOURN** - proposed next meeting June 6 and 7