

IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

**DAVID G. BOICE, doing business as the
Golden Hotel,**

Plaintiff,

vs.

**PAMELA J. HOWARD, claimant, and
NEBRASKA DEPARTMENT OF LABOR,
Unemployment Insurance Division,
Agency,**

Defendants.

Case No. CI99-104

JUDGMENT ON APPEAL

DATE OF HEARING: September 23, 1999.

DATE OF DECISION: September 23, 1999.

APPEARANCES:

For plaintiff: John P. Heitz with plaintiff.

For defendants:

Claimant: Forrest F. Peetz with claimant.

Agency: John Albin.

SUBJECT OF ORDER: decision on merits of petition for review under Administrative Procedures Act.

FINDINGS: The court finds and concludes that:

1. The court has conducted the de novo review on the record of the agency contemplated by the Administrative Procedures Act.

2. For convenience and brevity only, and based upon the court's own de novo review, the court adopts the findings and conclusions of the Nebraska Appeal Tribunal set forth in the "decision" filed with the tribunal on June 30, 1999. In so doing, the court considers and gives weight to the fact that the tribunal heard the witnesses at the telephonic hearing conducted thereon.

3. The decision of the Nebraska Appeal Tribunal should be affirmed.

ORDER: IT IS THEREFORE ORDERED AND ADJUDGED that:

1. The decision of the Nebraska Appeal Tribunal filed on June 30, 1999, is **AFFIRMED**.

2. Costs on appeal are taxed to the plaintiff.
3. Upon expiration of time for appeal without appeal (last day for filing appeal is October 25, 1999), or if an appeal is timely perfected, upon spreading of the mandate of a higher court, mandate shall issue by the clerk of this court to the clerk of the tribunal in accordance therewith.

Entered: September 23, 1999.

If checked, the Court Clerk shall:

- : Mail a copy of this order to all counsel of record and to any pro se parties.
Done on _____, 19____ by _____.
- : **Issue mandate upon expiration of time for appeal, on October 26, 1999.**
Done on _____, 19____ by _____.
- : Mail postcard/notice required by § 25-1301.01 within 3 days.
Done on _____, 19____ by _____.
- : Note the decision on the trial docket as: 9/23/99 Signed "Judgment on Appeal" entered.
Done on _____, 19____ by _____.

Mailed to:

BY THE COURT:

William B. Cassel, District Judge