



C-U-I-A-B

**CALIFORNIA UNEMPLOYMENT
INSURANCE APPEALS BOARD**

P.O. BOX 944275
Sacramento,
California 94244-2750



State of California / Health and Welfare Agency

Pete Wilson
Governor

NOTICE

Attached is Precedent Benefit Decision No. P-B-467(A).

In REIGH v. CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD the Superior Court of Sacramento County invalidated Precedent Benefit Decision P-B-467. Accordingly, pursuant to the provisions of section 409.1 of the Unemployment Insurance Appeals Board, the Board has overruled and set aside P-B-467. That decision is no longer of any force or effect.

It is appropriate that this new precedent benefit decision (P-B-467-A) be filed in a manner that will clearly indicate that P-B-467 has been overruled and an annotation to that effect should be entered on P-B-467 itself.

R. E. Petersen
Chief Counsel

BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

In the Matter of:

MICHAEL REIGH
(Claimant)

KAISER PERMANENTE
(Employer)

PRECEDENT
BENEFIT DECISION
No. P-B-467-A
(O/A No. IN-06640)

On November 2, 1989, pursuant to the provisions of section 409 of the Unemployment Insurance Code, this Board promulgated and issued Precedent Benefit Decision No. P-B-467 (Case No. 89-04448).

In that decision, the Board reversed the decision of the Administrative Law Judge in Case No. IN-06640 which held that the claimant is not disqualified for benefits pursuant to Unemployment Insurance Code section 1256.

Thereafter, the petitioner filed a petition for writ of mandate in the Sacramento County Superior Court, Case No. 364031, requesting a writ of mandate compelling the Board to vacate and set aside its precedent decision. On July 28, 1992, the Honorable Steven H. Rodda, Judge of the Sacramento Superior Court, entered judgment on the petition for writ of mandate and ordering this Board to set aside and invalidate its decision in Precedent Benefit Decision No. P-B-467, and to issue a new decision holding that the claimant is not disqualified under section 1256. The court further granted the claimant costs and disbursements in the amount of \$186.85.

Accordingly, pursuant to the judgment and decision of the court, and in conformance with the provisions of section 409.1 of the Unemployment Insurance Code, this Board overrules and declares invalid for all purposes Precedent Benefit Decision No. P-B-467 (Case No. 89-04448). We now hold, pursuant to the judgment and decision of the court, that the claimant is not disqualified for benefits pursuant to code section 1256. Benefits are payable provided the claimant is otherwise eligible. The claimant shall recover costs and disbursements of \$186.85.

ROBERT L. HARVEY

LOUIS WM. BARNETT

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