FILED
JAN 24 1984
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

JUDITH K. HARLAN,

Petitioner-Appellant,

vs.

IOWA DEPARTMENT OF JOB SERVICE AND YOUNKER BROS., INC.,

Respondents-Appellees.

Filed January 24, 1984

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3-446
83-890

Appeal from the Iowa District Court for Polk County - J. P. Denato, Judge.

Claimant appeals from the district court decision affirming respondent-agency's decision denying her unemployment benefits. AFFIRMED.

Robert C. Oberbillig, Des Moines, Iowa, for petitioner-appellant.

Roger J. Kuhle of Mumford, Schrage, Merriman, & Zurek, Des Moines, Iowa, for respondent-appellee Younkers.

Edmund Schlak, Jr., Blair H. Dewey, and Walter F. Maley, Des Moines, Iowa, for respondent-appellee agency.

Heard by Donielson, P.J., and Hayden and Sackett, JJ., but considered en banc.

PER CURIAM

Claimant appeals from the district court decision affirming respondent-agency's decision denying her unemployment benefits. Three judges would affirm the decision of the district court and three would reverse. Pursuant to Iowa Code section 684.36(1), the decision of the district court is affirmed by operation of law.

AFFIRMED BY OPERATION OF LAW.