

IN THE COURT OF APPEALS OF IOWA

No. 1-137 / 90-1347

FILED

AUG 27 1991

CLERK SUPREME COURT

BRENDA ELLIS,

Petitioner-Appellant,

vs.

BLUFFS FAMILY HEALTH CARE and EMPLOYMENT APPEAL BOARD,

Respondents-Appellees.

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Appeal from the Iowa District Court for Pottawattamie County, James M. Richardson, Judge.

Ellis appeals the district court affirming Employment Appeal Board decision. **AFFIRMED BY OPERATION OF LAW.**

Dennis P. Marks, Legal Services Corporation of Iowa, Council Bluffs, for appellant.

Scott Rogers of the Peters Law Firm, Council Bluffs, for appellee Bluffs Family Health Care.

William C. Whitten, Des Moines, for appellee Employment Appeal Board.

Considered en banc.

PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1989).

AFFIRMED.

For affirmance: Donielson, Sackett and Habhab, JJ.

For reversal: Oxberger, C.J., and Schlegel and Hayden, JJ.