IN THE COURT OF APPEALS OF IOWA

No. 6-243/95-788

FILED
SEP 30 1996
CLERK SUPREME COURT

DOUGLAS K. CARDWELL,
Appellee,

vs.

EMPLOYMENT APPEAL BOARD, Department Of Inspections and Appeals, and **GENERAL GROWTH CENTER,** Employer,
Appellants.

Appeal from the Iowa District Court for Woodbury County, Michael S. Walsh, Judge.

The Board and the employer appeal a district court ruling reversing the final agency decision, which denied Douglas Cardwell unemployment benefits on grounds of misconduct. **AFFIRMED BY OPERATION OF LAW.**

William C. Whitten and Joe E. Smith, Des Moines, for appellant Board.

Daryl L. Hecht of Crary, Huff, Inkster, Hecht & Sheehan, P.C., Sioux City, for appellant General Growth.

Considered en banc.

PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1995).

AFFIRMED.

For affirmance: Sackett, C.J., and Huitink and Vogel, JJ.

For reversal: Habhab, Cady, and Streit, JJ.