FILED
SEP 6 1984
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

197

POLK COUNTY, IOWA and SHERIFF BOB E. RICE,

Petitioners-Appellees,

vs.

APPEAL BOARD, IOWA DEPARTMENT OF JOB SERVICE,

Respondent-Appellant.

Filed September 6, 1984

4-265
83-1462

Appeal from the Iowa District Court for Polk County - Dick Strickler, Judge.

Respondent agency appeals from the district court's ruling reversing the agency's determination that claimant was qualified to receive unemployment benefits. AFFIRMED BY OPERATION OF LAW.

Walter F. Maley, Blair H. Dewey, and Joseph L. Bervid, Des Moines, for respondent-appellant.

Linda N. Woito, Assistant Polk County Attorney, Des Moines, for petitioners-appellees.

Considered en banc.

**PER CURIAM**

Respondent agency appeals from the district court's ruling reversing the agency's determination that claimant was qualified to receive 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.