MEMORANDUM DECISION

APPELLANT PRO SE

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IN THE
COURT OF APPEALS OF INDIANA

Angela Hagy,
Appellant,

v.

Review Board of the Indiana Department of Workforce Development,
Appellee.

July 30, 2021

Court of Appeals Case No. 21A-EX-183

Appeal from the Review Board of the Indiana Department of Workforce Development

Trial Court Cause No. 20-R-1984

Weissmann, Judge.

[1] Angela Hagy appeals the Unemployment Insurance Review Board's suspension of her unemployment insurance benefits. As her appeal amounts to a request for this court to impermissibly reweigh evidence and judge witness credibility, we affirm the Review Board's determination.

Facts

[2] Hagy worked for Oak Grove Christian Retirement Village (Oak Grove) as a midnight nurse—meaning she worked the 10:30 p.m. to 7:00 a.m. shift—for a little over a year. At the end of her shift one morning, she had a conversation with her supervisor, Tammy Driscoll. Hagy alleges that she told Driscoll she was too sick to work her next shift. She further alleges that Driscoll told her that if she failed to show up, she would be fired. Driscoll denies saying this.

[3] Hagy did not show up for her shift that night. When one of her colleagues called, Hagy advised that she would not be coming in. In fact, Hagy never returned to work nor did she have further contact with Oak Grove about her job. Hagy later filed a claim for unemployment insurance, which was initially granted. Oak Grove protested, arguing that Hagy quit with no notice.

[4] After a telephone hearing, an Administrative Law Judge (ALJ) found for Oak Grove and suspended Hagy's benefits, stating that Hagy "voluntarily left the employment and was not discharged." App. Vol. II, p. 27. Hagy appealed to the Unemployment Insurance Review Board, which affirmed the ALJ's decision. She then appealed to this court. We also affirm.

Discussion and Decision

[5] Hagy, who proceeds pro se, attempts to use this appeal to relitigate the facts of her case. She asks us to "take a closer look at the evidence, some of which was not discussed at the hearing," and argues that "this case rises and falls on the credibility of witnesses." Appellant's Reply Br., p. 5; Appellant's Br., p. 4. This is beyond the scope of our review.

Unlike the ALJ and the Review Board, this Court is not a factfinder. *See East Wind Acupuncture, Inc. v. Rev. Bd. of Ind. Dep't of Workforce Dev.*, 71 N.E.3d 391, 395 (Ind. Ct. App. 2017). "We neither reweigh evidence nor judge the credibility of witnesses." *Id.* (citing *J.M. v. Rev. Bd. of Ind. Dep't of Workforce Dev.*, 975 N.E.2d 1283, 1286 (Ind. 2012)). Factfinders are in a much better position than this Court to make such determinations; they can observe witnesses live, whereas we must rely on the cold record. *Kraus v. Kraus*, 235 Ind. 325, 132 N.E.2d 608, 610 (Ind. 1956). The system Hagy desires—in which a new trial is held on every appeal—is not the system we have.

[6] Hagy had two opportunities to present her side of the story: once before the ALJ and once before the Review Board. Ind. Code §§ 22-4-17-3, -4(a), -5, -12(a). The ALJ, and by incorporation the Review Board, both found that Hagy quit without good cause, disqualifying her from benefits. Ind. Code § 22-4-15-1(a). This judgment is supported by testimony from Hagy's former supervisor, who said she did not fire Hagy. The Review Board also found that Hagy's belief she had been terminated was unreasonable. Hagy did not confirm with Oak

Grove that she had been fired, even though the firing she alleged would have violated Oak Grove policy. Finally, Hagy's illness did not satisfy Indiana Code § 22-4-15-1(c)(2), which preserves unemployment benefits for those who involuntarily lose employment due to a medically substantiated physical disability. Hagy did not present medical documentation of any disability or any request for medical leave.

[7] The Review Board was the "ultimate factfinder," and we cannot usurp its function. *Russell v. Rev. Bd. of Ind. Dep't of Emp. & Training Servs.*, 586 N.E.2d 942, 946 (Ind. Ct. App. 1992); *see* Ind. Code § 22-4-17-12(a) ("Any decision of the review board shall be conclusive and binding as to all questions of fact.").[1] Although Hagy disagrees with its findings, there is substantial evidence to support them. Her request that we believe her, rather than Oak Grove, is one we cannot entertain. As the Review Board's decision is supported by substantial evidence, we affirm its determination.

Kirsch, J., and Altice, J., concur.

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[1] The scope of our review is limited, but not nonexistent. For example, we will reverse a review board's decision if there is no substantial evidence to support its findings. *J.M.*, 975 N.E.2d at 1286. That is not the case here.