

MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



APPELLANT PRO SE
A.M.
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE
Theodore E. Rokita
Attorney General of Indiana
Natalie F. Weiss
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

A.M.,
Appellant-Petitioner,

v.

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

October 26, 2022

Court of Appeals Case No.
22A-EX-234

Appeal from the Review Board of
the Department of Workforce
Development

The Honorable Gabriel Paul,
Chairman
Lawrence A. Dailey, Member
Heather D. Cummings, Member

Trial Court Cause No.
21-R-6503

Mathias, Judge.

[1] A.M. appeals the decision of the Review Board of the Indiana Department of Workforce Development (“the Review Board”) affirming the denial of his claim for unemployment benefits. A.M. raises a single issue for our review, which we restate as whether substantial evidence supports the Review Board’s conclusion that A.M. failed to establish good cause for his voluntary termination of his own employment. We affirm.

Facts and Procedural History

[2] A.M. did not request a transcript of any of the proceedings in the Department of Workforce Development, and our review is therefore limited to what we must construe as the uncontested findings of the Administrative Law Judge (“ALJ”). *See* Ind. Appellate Rule 9(F)(5). According to those findings, A.M. worked as a cook at Employer’s restaurant in March 2020. On March 13, A.M. exhibited signs of illness, and he was concerned he might have COVID. His supervisor agreed that A.M. “looked sick.” Appellee’s App. Vol. 2, p. 3.

[3] A.M. contacted a local hospital but was told to not report to the hospital “unless he had a 104[-]degree fever and had problems breathing.” *Id.* A.M. did not report to the hospital and was never diagnosed with COVID. However, he “was afraid of potentially exposing his family” to the virus and, “[a]s a result, [he] voluntarily left [his] employment.” *Id.*

[4] A.M. then applied for unemployment benefits. After a hearing before the ALJ, the ALJ concluded:

An individual may not receive unemployment compensation benefits if he voluntarily left his most recent employment without good cause. *See* Ind. Code 22-4-15-1(a). In order to determine whether good cause existed for the individual to voluntarily leave his most recent employment, this Court must determine: (1) whether the individual's reasons for abandoning his employment would have compelled a "reasonably prudent person to terminate employment under the same or similar circumstances" and (2) whether the individual's reasons for leaving were "objectively related to the employment."[] *Brown v. Ind. Dep't of Workforce Dev.*, 919 N.E.2d 1147, 1151 (Ind. Ct. App. 2009). The second component addresses whether the individual's "reasons for terminating the employment [were] job-related and objective in nature, excluding reasons which are personal and subjective." *Best Chairs, Inc. v. Ind. Dep't of Workforce Dev.*, 895 N.E.2d 727, 730 (Ind. Ct. App. 2008) (quoting *M&J Mgmt., Inc. v. Rev. Board of the Ind. Dep't of Workforce Dev.*, 711 N.E.2d 58, 62 (Ind. Ct. App. 1999)).

The claimant voluntarily left employment because of potentially exposing his family to the Covid-19 virus. A reasonably, prudent person would also leave employment. However the claimant's reason for quitting is personal; it is not objectively related to the employment relationship. The claimant voluntarily left employment without good cause in connection with the work.

Id. The ALJ therefore concluded that A.M. was not entitled to unemployment benefits. A.M. appealed the ALJ's decision to the Review Board, which affirmed the decision. This appeal ensued.

Standard of Review

[5] The Indiana Unemployment Compensation Act provides that any decision of the Review Board is conclusive and binding as to all questions of fact. I.C. § 22-

4-17-12(a). Review Board decisions may be challenged as contrary to law, in which case we examine the sufficiency of the facts found to sustain the ALJ’s decision and the sufficiency of the evidence to sustain the findings of facts. I.C. § 22-4-17-12(f). Under this standard, we review (1) findings of basic fact to ensure “substantial evidence” supports those findings, (2) conclusions of law for correctness, and (3) inferences or conclusions from basic facts for reasonableness. *Q.D.-A., Inc. v. Ind. Dep’t of Workforce Dev.*, 114 N.E.3d 840, 845 (Ind. 2019). When conducting our review, we will neither reweigh the evidence nor assess the credibility of the witnesses, and we consider only the evidence most favorable to the Review Board’s judgment. *K.S. v. Rev. Bd. of Ind. Dep’t of Workforce Dev.*, 33 N.E.3d 1195, 1197 (Ind. Ct. App. 2015).

Discussion and Decision

[6] A.M.’s argument on appeal is less than clear.¹ However, he states that he “was . . . advised by a medical professional to stay home” after he reported feeling ill in March 2020, and “by the time [his] quarantine was over [his] spot at work had already been taken up.” Appellant’s Br. at 5-6. We interpret that assertion

¹ The Review Board asserts that we should conclude that A.M. failed to preserve any arguments on appeal for not complying with our Appellate Rules. We acknowledge that pro se litigants are held to the same standards as trained attorneys and are afforded no inherent leniency simply because they are self-represented. *Reinoehl v. St. Joseph Cnty. Health Dep’t*, 181 N.E.3d 341, 362 (Ind. Ct. App. 2021), *trans. denied*. And we acknowledge that A.M.’s representation of himself on appeal has fallen short in many areas. However, despite the deficiencies in his appeal, we are able to discern why A.M. believes the Review Board committed error without advancing an argument for him. We therefore choose to address his appeal on the merits. *See Webb v. City of Carmel*, 101 N.E.3d 850, 856 n.3 (Ind. Ct. App. 2018) (noting that we prefer to decide cases on the merits when possible).

to be that A.M. did not voluntarily quit his job but instead was terminated through no fault of his own.

[7] The purpose of the Unemployment Compensation Act is to provide benefits to those who are involuntarily out of work, through no fault of their own, for reasons beyond their control. *Brown*, 919 N.E.2d at 1150-51. When a person voluntarily leaves employment “without good cause in connection with the work,” the person is generally disqualified from receiving unemployment compensation benefits. *Y.G. v. Rev. Bd. of Ind. Dep’t of Workforce Dev.*, 936 N.E.2d 312, 314 (Ind. Ct. App. 2010) (quoting I.C. § 22-4-15-1(a)).

[8] However, there are circumstances when an employee who voluntarily leaves his employment is justified in doing so, and no disqualification results. *Brown*, 919 N.E.2d at 1151. Whether a person voluntarily quit working for good cause is a question of fact to be determined by the Board, and the employee bears the burden of establishing the existence of good cause. *Davis v. Rev. Bd. of Ind. Dep’t of Workforce Dev.*, 900 N.E.2d 488, 492 (Ind. Ct. App. 2009). Good cause means that the employee’s reasons for quitting were objectively related to the job, in that the working conditions were so unreasonable and unfair that a reasonably prudent person under similar circumstances would have felt compelled to terminate the employment. *Id.*

[9] Here, the ALJ found that A.M. quit his job upon the onset of unspecified, COVID-like symptoms for the sole purpose of avoiding further potential exposure of the virus to his family. We are obliged to accept that finding as true

on this record. Therefore, A.M.'s assertion that he did not quit but merely quarantined and then sought to resume work is an inappropriate request for us to both look outside the record on appeal and also to reweigh the evidence, neither of which we will do. Based on the record presented on appeal, there was substantial evidence that A.M. voluntarily left his employment for reasons unrelated to his working conditions. We therefore must agree with the Review Board's decision to affirm the ALJ's conclusion that A.M. failed to demonstrate good cause for voluntarily leaving his employment.

A.M. also appears to raise a separate issue on appeal. In particular, during his proceedings before the Department of Workforce Development, an initial claims investigator determined that A.M. was eligible for unemployment benefits, and A.M. accordingly received some of those benefits before the ALJ reversed that decision and ordered A.M. to repay the benefits he had received. But A.M. cites no authority for his apparent position that he is entitled to keep benefits for which he is not eligible. *See* Ind. Appellate Rule 46(A)(8)(a). Therefore, we cannot say that the Review Board's decision to affirm the ALJ's order in this respect is erroneous.

[10] For all of these reasons, we affirm the Review Board's judgment.

[11] Affirmed.

Bradford, C.J., and Robb, J., concur.