

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**  
**IN AND FOR NEW CASTLE COUNTY**

ERIC RHOADES,	)	
	)	
Appellant,	)	
	)	
V.	)	C.A. No. N14A-06-010 CEB
	)	
PERFORMANCE AUTO BODY &	)	
PAINT and DELAWARE	)	
UNEMPLOYMENT INSURANCE	)	
APPEALS BOARD,	)	
	)	
Appellees.	)	

Date Submitted: February 2, 2015  
Date Decided: March 17, 2015

*Upon Consideration of*  
*Appeal From the Unemployment Insurance Appeal Board.*  
**AFFIRMED.**

This 17th day of March, 2015, upon consideration of the *pro se* appeal of Eric Rhoades from the decision of the Unemployment Insurance Appeal Board (the “Board”), disqualifying him from the receipt of unemployment benefits, it appears to the Court that:

1. Mr. Rhoades was employed by Performance Auto Body & Paint (“Employer”) until he voluntarily quit on February 6, 2014.<sup>1</sup> Although Mr.

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<sup>1</sup> Record at 57, 107 (hereinafter “R. at \_”);

Rhoades continues to dispute whether he voluntarily quit or was terminated, the Board found that Mr. Rhoades was not entitled to unemployment compensation because he voluntarily quit without good cause.<sup>2</sup> Further, the Board found that Mr. Rhoades presented no evidence to suggest that he was terminated.<sup>3</sup>

2. Mr. Rhoades testified that, on or about January 31<sup>st</sup>, 2014, he noticed that the gross pay listed on his 2013 W-2 was incorrect.<sup>4</sup> Because the remainder of Mr. Rhoades' testimony is inconsistent throughout the Record, this Court relies on his Opening and Reply briefs in order to convey his version of events. Mr. Rhoades wrote that his supervisor, Blaine Bailey, refused to correct the alleged error in the W-2 after numerous requests, and started to send him home from work early. Additionally, Mr. Rhoades wrote that on February 6, 2014, less than a week after he addressed the alleged problem with his W-2, Mr. Bailey terminated Mr. Rhoades, stating that he could no longer afford to pay him. It is interesting to note that when Mr. Rhoades first filed his unemployment claim with the Department of Labor, he stated that he was laid off due to "lack of work."<sup>5</sup>

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<sup>2</sup> R. at 107-08.

<sup>3</sup> R. at 107.

<sup>4</sup> R. at 40.

<sup>5</sup> R. at 20.

3. Blaine Bailey, on behalf of the Employer, testified that on or about February 6, 2014, during a peaceful and friendly conversation, Mr. Rhoades told Mr. Bailey that he was leaving in order to go work for his father's business.<sup>6</sup> Further, Mr. Bailey testified that he believed that Mr. Rhoades' 2013 W-2 was accurate.<sup>7</sup> Mr. Bailey also offered Mr. Rhoades' final time card into evidence, which contains the handwritten text "Final Day and Resignation," and is signed by Mr. Rhoades at the bottom.<sup>8</sup> Mr. Rhoades argued that he did not notice the handwritten resignation language on the timecard when he signed it.<sup>9</sup>

4. An administrative hearing was held before Appeals Referee Jacqueline R. Richmond on April 2, 2014.<sup>10</sup> The Referee found that Mr. Rhoades was not entitled to unemployment compensation under 19 *Del. C.* §3314(1), because he voluntarily left work without good cause.<sup>11</sup> The Board affirmed the Referee's decision and adopted that decision as its own.<sup>12</sup> Mr. Rhoades appealed the Board's decision to the Superior Court.

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<sup>6</sup> R. at 38-39.

<sup>7</sup> R. at 41-42.

<sup>8</sup> R. at 61.

<sup>9</sup> R. at 48.

<sup>11</sup> R. at 57-58.

<sup>12</sup> R. at 47.

5. This Court’s review of Mr. Rhoades’ appeal is limited to a review of legal error and a determination of whether “substantial evidence exists to support the Board’s findings of fact and conclusions of law.”<sup>13</sup> “Substantial evidence is that relevant evidence that a reasonable mind might accept as adequate to support a conclusion.”<sup>14</sup> The Board’s decision is reviewed *de novo* for errors of law.<sup>15</sup> In the absence of legal error, the Board’s decision is reviewed for abuse of discretion.<sup>16</sup> The Court will find an abuse of discretion when the Board’s decision “exceeds the bounds of reason in view of the circumstances and has ignored recognized rules of law or practice so as to produce injustice.”<sup>17</sup> On appeal, the Court will not “weigh the evidence, determine questions of credibility, or make its own factual findings.”<sup>18</sup>

6. Mr. Rhoades does not argue that the Board’s factual findings were not supported by substantial evidence, nor does he argue that the Board committed an

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<sup>13</sup> *Arrants v. Home Depot*, 65 A.3d 601, 604 (Del. 2013).

<sup>14</sup> *Wyatt v. Rescare Home Care*, 81 A.3d 1253, 1258-59 (Del. 2013) (internal citations omitted).

<sup>15</sup> *Arrants*, 65 A.3d at 604.

<sup>16</sup> *Id.*

<sup>17</sup> *McIntyre v. Unemployment Ins. Appeal Bd.*, 2008 WL 1886342, at \*1 (Del. Super. Apr. 29, 2008) *aff’d*, 962 A.2d 917 (Del. 2008).

<sup>18</sup> *Person-Gaines v. Pepco Holdings, Inc.*, 981 A.2d 1159, 1161 (Del. 2009).

error of law. In his Opening and Reply Briefs, Mr. Rhoades simply argues that the Board should have believed his version of events, instead of Mr. Bailey's.

7. The Board's conclusion that Mr. Rhoades voluntarily quit his job without good cause is supported by substantial evidence. Mr. Bailey testified that Mr. Rhoades told him that he was leaving to work for his father.<sup>19</sup> Mr. Bailey also offered into evidence a time card dated February 7, 2014, signed by Mr. Rhoades, and containing the handwritten language "Final Day and Resignation."<sup>20</sup> The only evidence in the Record that contradicts Mr. Bailey's testimony consists of Mr. Rhoades' assertions: (1) that Mr. Bailey terminated Mr. Rhoades in order to avoid correcting Mr. Rhoades' W-2, (2) that Mr. Bailey terminated Mr. Rhoades' employment because he could no longer afford to pay him, and (3) that he did not notice the "Final Day and Resignation" language on the timecard when he signed it. The Board found Mr. Bailey's testimony to be more credible than that of Mr. Rhoades, and this Court will not "weigh the evidence, determine questions of credibility, or make its own factual findings."<sup>21</sup>

8. The Board did not commit any errors of law. In order to receive unemployment compensation when an employee voluntarily quits his job, the

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<sup>19</sup> R. at 38-39.

<sup>20</sup> R. at 61.

<sup>21</sup> *Person-Gaines*, 981 A.2d at 1161 (Del. 2009).

employee must show that he had good cause for leaving the employment.<sup>22</sup> “‘Good cause’ for quitting a job must be such cause as would justify one in voluntarily leaving the ranks of the employed and joining the ranks of the unemployed.”<sup>23</sup> Before quitting, the employee “must . . . bring the problem to the attention of someone with the authority to make the necessary adjustments, describe the problem in sufficient detail to allow for resolution, and give the employer enough time to correct the problem.”<sup>24</sup> Mr. Rhoades argues that he established good cause because he testified that Mr. Bailey refused to correct his W-2. The Record shows that less than seven days after first addressing the perceived error with his W-2, Mr. Rhoades quit his job and filed for unemployment. Even if there was an error in the W-2, the fact that Mr. Rhoades left within a week after first bringing the problem to Mr. Bailey’s attention suggests that the Employer was not given enough time to correct it. Further, the Board found that Mr. Rhoades told Mr.

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<sup>22</sup> 19 *Del. C.* § 3314(1). “[G]ood cause is established where: (i) an employee voluntarily leaves employment for reasons attributable to issues within the employer's control and under circumstances in which no reasonably prudent employee would have remained employed; and (ii) the employee first exhausts all reasonable alternatives to resolve the issues before voluntarily terminating his or her employment.” *Thompson v. Christiana Care Health Sys.*, 25 A.3d 778, 783 (Del. 2011).

<sup>23</sup> *O'Neal's Bus Serv., Inc. v. Employment Sec. Comm'n*, 269 A.2d 247, 249 (Del. Super. Ct. 1970).

<sup>24</sup> *Thompson*, 25 A.3d at 785 (Del. 2011).

Bailey that he was leaving because he was going to work for his father. The Board found that Mr. Rhoades left for personal reasons, not for good cause.<sup>25</sup>

9. Based on the foregoing, the Court is satisfied that the Board applied the correct legal standards and that its decision is supported by substantial evidence. Accordingly, the decision of the Board determining that Mr. Rhoades is disqualified from the receipt of unemployment benefits is **AFFIRMED**.

**IT IS SO ORDERED.**

**/s/ Charles E. Butler**  
Judge Charles E. Butler

Original to Prothonotary

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<sup>25</sup> R. at 58, 108.