

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHRISTOPHER J. TEEARS,	§
	§ No. 93, 2013
Appellant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware
	§ in and for New Castle County
UNEMPLOYMENT INSURANCE	§ C.A. No. N12A-05-015
APPEAL BOARD,	§
	§
Appellee Below-	§
Appellee.	§

Submitted: April 23, 2013

Decided: May 7, 2013

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

ORDER

This 7th day of May 2013, upon consideration of the appellant's opening brief and the appellee's motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The appellant, Christopher J. Tears, filed an appeal from the Superior Court's February 7, 2013 order affirming the May 9, 2012 decision of the Unemployment Insurance Appeal Board ("UIAB"), which had, in turn, affirmed the March 13, 2012 decision of the Delaware Department of Labor ("DDOL") Appeals Referee. The appellee, the UIAB, has moved to affirm the Superior Court's judgment on the ground that it is manifest on the

face of the opening brief that the appeal is without merit.¹ We agree and affirm.

(2) The record before us reflects that, during five periods between November 29, 2010 and October 11, 2011, Tears collected unemployment benefits in the total amount of \$14,856.00 from the State of Delaware. The DDOL subsequently determined that Tears was not entitled to receive unemployment benefits during those periods because he had simultaneously received unemployment benefits from the Commonwealth of Pennsylvania. On January 20, 2012, the DDOL notified Tears that he was required to reimburse the DDOL in the total amount of \$14,856.00. Tears subsequently filed an appeal with the Appeals Referee.

(3) The hearing before the Appeals Referee took place on February 24, 2012. Tears testified on his own behalf and an investigator testified on behalf of the DDOL. According to the investigator, Tears received unemployment benefits from the Commonwealth of Pennsylvania for the same period he collected benefits from the State of Delaware, resulting in an impermissible double payment. An e-mail from the Commonwealth of Pennsylvania to the State of Delaware confirming the double payment was entered into the record. Tears testified that he received the payments from

¹ Supr. Ct. R. 25(a).

the State of Delaware, but did not recall whether he had received any payments from the Commonwealth of Pennsylvania. In a decision dated March 13, 2012, the Appeals Referee determined that Tears had received an impermissible double payment of unemployment benefits pursuant to Del. Code Ann. tit. 19, §3325 and required him to reimburse the State of Delaware in the amount of \$14,856.00.²

(4) On March 20, 2012, Tears filed an appeal from the Appeals Referee to the UIAB. The hearing on the appeal took place on May 9, 2012. No new evidence or argument was presented at the hearing. Again, Tears disputed the conclusion that he should be obligated to reimburse the payments received from the State of Delaware. On May 9, 2012, the UIAB issued its decision affirming the findings and conclusions of the Appeals Referee. Tears subsequently filed an appeal to the Superior Court from the decision of the UIAB. Concluding that the decision of the UIAB was supported by substantial evidence in the record and that there was no legal error, the Superior Court affirmed. This appeal ensued.

(5) In this appeal, Tears claims that he should not be required to reimburse the State of Delaware in the amount of the unemployment benefits

² Pursuant to Del. Code Ann. tit. 19, §3325, “any person who has received any sum as [unemployment] benefits . . . to which . . . the person was not entitled shall be liable to repay . . . said overpayment The person shall be so liable regardless of whether such sum was received through fraud or mistake”

he received because he relied on the State of Delaware to know whether or not he was entitled to the benefits and should not be penalized by the State of Delaware's mistake.

(6) On appeal from the Superior Court's affirmance of a decision of the UIAB, this Court's standard of review, like that of the Superior Court, is whether there was substantial evidence in the record to support the UIAB's findings and whether such findings are free from legal error.³ Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.⁴ This Court does not independently weigh the evidence, determine questions of credibility or make its own factual findings.⁵

(7) We have carefully reviewed the record in this case, including the transcripts of the hearings before the Appeals Referee and the UIAB. We conclude that there was substantial evidence in the record before the UIAB to support its conclusion that Tears had received unemployment benefits during the relevant period from both the Commonwealth of Pennsylvania and the State of Delaware. We also conclude that the UIAB properly relied on Del. Code Ann. tit. 19, §3325 in its determination that

³ *UIAB v. Duncan*, 337 A.2d 308, 309 (Del. 1975).

⁴ *Oceanport Ind., Inc. v. Wilmington Stevedores, Inc.*, 636 A.2d 892, 899 (Del. 1994).

⁵ *Johnson v. Chrysler Corp.*, 213 A.2d 64, 66 (Del. 1965).

Tears had received an impermissible double payment of unemployment benefits and, therefore, was required to reimburse the State of Delaware in the amount of \$14,856.00. Moreover, we conclude that there was no error or abuse of discretion on the part of the Superior Court in affirming the decision of the UIAB.

(8) It is manifest on the face of the opening brief that this appeal is without merit because the issues presented on appeal are controlled by settled Delaware law and, to the extent that judicial discretion is implicated, there was no abuse of discretion.

NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice