

Cite as 2011 Ark. App. 374

**ARKANSAS COURT OF APPEALS**

DIVISION III

No. E10-23

GUY D. CZAJKA

APPELLANT

V.

DIRECTOR, DEPARTMENT OF  
WORKFORCE SERVICES

APPELLEE

Opinion Delivered MAY 25, 2011

APPEAL FROM THE ARKANSAS  
BOARD OF REVIEW, [BR-2009-1551]

AFFIRMED

**LARRY D. VAUGHT, Chief Judge**

This is a pro se appeal from a decision of the Arkansas Board of Review that denied appellant Guy D. Czajka's claim for extended unemployment benefits. Czajka alleges that the Board erred in its denial of his claim based on a misapprehension of both state and federal law, a reliance on precedent from this court that was wrongly decided, and its consideration of "deceptive and misleading language." After a thorough review of the record, we see no error and affirm the Board's decision in its entirety.

On October 20, 2006, Czajka filed a claim for regular unemployment compensation benefits, but he was disqualified from receiving benefits "for eight (8) weeks of unemployment," as defined in Arkansas Code Annotated section 11-10-512 (Repl. 2002), based on a finding that he was discharged from his last work for misconduct in connection with the work. Under the provisions of Ark. Code Ann. § 11-10-512(b) (Repl. 2002), a week of disqualification "shall be satisfied" by either a week of unemployment or by a week

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of employment during which the employee has “earnings in an amount equal to his weekly benefit amount.” At the hearing it was established that Czajka had reported earnings during three weeks of his disqualification period. The earnings were from self-employment work that he had performed, cutting grass and doing cleanup and remodeling jobs. No unemployment taxes were paid on the earnings.

Extended benefits are governed by Arkansas Code Annotated sections 11–10–534 through 544 (Repl. 2002). A provision of these extended benefit sections provides as follows:

An individual shall not be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period if the individual has been disqualified for regular benefits under this law because he voluntarily left work, was discharged for misconduct, or refused an offer of suitable work unless the disqualification imposed for such reasons was satisfied with employment.

In *Walker v. Director, Employment Sec. Dep’t*, 40 Ark. App. 12, 13–14, 840 S.W.2d 200, 201 (1992), we reaffirmed that under Arkansas’s statutory scheme one who is disqualified by misconduct (with certain enumerated exceptions) from receiving *regular* benefits for a certain period may satisfy the disqualification by working for the required period or, if unable to find work, by forfeiting the benefits for that period to which the individual would otherwise be entitled. But, we further held, such a worker can satisfy the penalty disqualification for *extended* benefits only by *employment* for the required period and amount.

Unfortunately for Czajka, although he had work and earnings for three weeks of the eight-week disqualification period, it was self-employment. According to the limited definition of “employment” contained in Arkansas Code Annotated section 11-10-210 (Repl.

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2002), self-employment of the nature performed by Czajka does not meet the statutory definition of employment under our governing law.

When a decision of the Board is appealed to us, our standard of review directs that the findings of the Board are conclusive if supported by substantial evidence, and we must affirm the decision of the Board if it could have reasonably reached its decision based upon the evidence before it. *Perdrix-Wang v. Director, Employment Sec. Dep't*, 42 Ark. App. 21, 856 S.W.2d 636 (1993). Here, there is more than substantial evidence to support the Board's determination. Therefore, we affirm its decision.

Affirmed.

PITTMAN and WYNNE, JJ., agree.