

ARKANSAS COURT OF APPEALS

DIVISION I

No. E11-206

JERRY L. CROUCH

APPELLANT

V.

ARTEE WILLIAMS, DIRECTOR,
DEPARTMENT OF WORKFORCE
SERVICES and CALDWELL AUTO
PARTS

APPELLEES

Opinion Delivered April 18, 2012

APPEAL FROM THE ARKANSAS
BOARD OF REVIEW
[NO. 2010-BR-2347]

AFFIRMED

ROBERT J. GLADWIN, Judge

Jerry Crouch was disqualified for unemployment benefits by the Department of Workforce Services on the grounds that he voluntarily left his last work without good cause connected with the work. This decision was affirmed by both the Appeals Tribunal and the Arkansas Board of Review (Board). Mr. Crouch argues that the findings of the Board of Review are not supported by substantial evidence. We disagree and affirm.

Mr. Crouch was employed by Caldwell Auto Parts (Caldwell), and he submits that on or about May 11, 2010, he was given a lay-off slip by the shop manager. The lay-off slip was handwritten and deemed unacceptable by the unemployment office. Caldwell refused to execute the appropriate forms for the lay-off. Mr. Crouch did not consider that he was still employed and did not ask about going back to work. Mr. Crouch claims that the reason that he was laid-off was because there was not enough work for him.

The Department of Workforce Services issued a notice of agency determination on July 13, 2010, denying Mr. Crouch benefits under Arkansas Code Annotated section 11-10-513(a)(1) (Supp. 2011) on finding that he voluntarily left his last work without good cause connected with the work. Mr. Crouch timely appealed the decision to the Appeal Tribunal, which conducted a telephone hearing on September 21, 2010, and affirmed the denial of benefits. He timely appealed to the Board, and on August 4, 2011, it affirmed and adopted the decision of the Appeal Tribunal. Mr. Crouch filed a petition for review of the Board's decision with this court on August 31, 2011, and this appeal followed.

The Board, in affirming and adopting the decision of the Appeal Tribunal, found that Mr. Crouch had worked in Arkansas during the entire period of the unemployment claim and had worked for Caldwell for approximately eight months. The Board also found that he was paid by commission, and because he was not satisfied with the amount of work and pay he was receiving, he asked the shop manager, his nephew, to give him a "lay-off slip" so that he could obtain unemployment benefits.

The Board noted in its opinion that Mr. Crouch initiated the separation from Caldwell and that he interpreted a statement made about not hiring relatives again to mean that Caldwell would not hire him back without considering he still had a job if he was not, in fact, laid off. The Board also concluded that Mr. Crouch did not demonstrate a genuine desire to work, failing to learn how to perform alignments on Caldwell's machine, which was a skill needed to likely increase his commission pay. The Board determined that Mr. Crouch was not credible based on misleading statements, that there was no shortage of work, and that the

handwritten “lay-off slip” was not serious. The Board found that Mr. Crouch did not show a cause that would reasonably impel an average able-bodied, qualified worker to give up employment; accordingly, it found that he voluntarily left his last work without good cause connected with the work.

On appeal, we review the findings of the Board in the light most favorable to the prevailing party, reversing only where the Board’s findings are not supported by substantial evidence. *Carpenter v. Director*, 55 Ark. App. 39, 929 S.W.2d 177 (1996). Even when there is evidence on which the Board might have reached a different decision, the scope of our judicial review is limited to a determination of whether the Board could reasonably reach its decision upon the evidence before it. *Claflin v. Director*, 53 Ark. App. 126, 920 S.W.2d 20 (1996).

Whether there is good cause for an employee to quit his job is a question of fact. *Claflin*, 53 Ark. App. at 127, 920 S.W.2d at 21. “Good cause has been defined as a cause that would reasonably impel the average able-bodied, qualified worker to give up his or her employment.” *Carpenter*, 55 Ark. App. at 41, 929 S.W.2d at 178. A factor in determining good cause is “whether the employee took appropriate steps to rectify the problem.” *Claflin*, 53 Ark. App. at 128, 920 S.W.2d at 22.

Viewing the evidence in the light most favorable to the Board, we hold that there is substantial evidence to support its finding that Mr. Crouch voluntarily left his last work without good cause connected with the work.

Affirmed.

VAUGHT, C.J., and WYNNE, J., agree.