

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

KAREN SNODGRASS,)	
)	
Appellant,)	
)	
v.)	C.A. N10A-10-009-JRJ
)	
OUTCOMES HEALTH,)	
)	
Appellee.)	

Date Submitted: June 27, 2011
Date Decided: September 21, 2011

OPINION

Upon Appeal from the Unemployment Insurance Appeal Board:
AFFIRMED

Karen Snodgrass, *Pro se*, 203 Skycrest Drive, Landenberg, PA 19350.

Outcomes Health, *Pro se*, 13010 Morrid Rd, Bldg 2, Alpharetta, GA 30004.

INTRODUCTION

Appellant Karen Snodgrass (hereinafter “Claimant”), files this appeal from the Unemployment Insurance Appeal Board’s (the “Board”) decision dismissing her petition for unemployment benefits. For the reasons explained below, the Court finds that the Board’s decision is supported by substantial evidence and is free from legal error. Accordingly, the Board’s decision is **AFFIRMED**.

FACTS AND PROCEDURAL HISTORY

Claimant worked for Outcome Health (hereinafter “Employer”) from March 1, 2010 through April 13, 2010.¹ Claimant’s responsibilities were to obtain medical records from local medical facilities, scan the records into a company laptop, and download the data to Employer through a wire modem internet connection at Claimant’s home.² On March 25, 2010, Claimant was unable to connect the company laptop to the internet.³ She contacted Employer’s technical support group and her own internet provider but neither could connect the laptop to the internet.⁴ Claimant was sent a new laptop from Employer but was still unable to connect to the internet.⁵ Claimant could not connect through a wireless connection or send the

¹ Record (“R.”) at 8.

² *Id.*.

³ *Id.*

⁴ *Id.*

⁵ *Id.* at 17.

documents through the mail due to HIPPA regulations.⁶ Instead of transferring the data electronically, Employer offered the option of mailing the laptop with the downloaded information.⁷ However, Claimant did not want to send the laptop through the mail because she believed this would be too stressful for her.⁸

Then, on April 4, 2010, Claimant applied for unemployment benefits.⁹ On April 13, 2010, Claimant resigned because she was “having technical difficulties with the laptop equipment and connecting to the internet” and therefore, “was unable to do her job.”¹⁰ On June 15, 2010, the Claims Deputy found that Claimant was ineligible for unemployment benefits because she resigned for “personal reasons” and failed to show “just cause.”¹¹ Claimant timely appealed this decision to the Appeals Referee who affirmed the Claims Deputy’s decision.¹² Next, Claimant appealed that decision to the Board.¹³ Claimant was scheduled to appear before the Board on September 22, 2010 at 11:00 am.¹⁴ At 11:11 am, Claimant had not

⁶ *Id.* at 22.

⁷ *Id.* at 23.

⁸ *Id.* at 18.

⁹ *Id.* at 1. The Court takes note of the fact that Claimant filed for unemployment benefits *before* she resigned.

¹⁰ *Id.* at 21.

¹¹ *Id.* at 1.

¹² *Id.* at 9.

¹³ *Id.* at 33.

¹⁴ *Id.* at 35.

appeared to prosecute her appeal, therefore her appeal was dismissed.¹⁵

Claimant filed the instant appeal with this Court on October 11, 2010.¹⁶

STANDARD OF REVIEW

On appeal, this Court determines whether the Board's decision is supported by substantial evidence and is free from legal error.¹⁷ Substantial evidence is such relevant evidence that a reasonable mind would accept as adequate to support a conclusion.¹⁸ This Court does not act as the trier of fact, nor does it have authority to weigh the evidence, decide issues of credibility, or make factual conclusions.¹⁹ In reviewing the record for substantial evidence, the Court must consider the record in the light most favorable to the party prevailing below.²⁰ The Court's review of conclusions of law is *de novo*.²¹ Absent an error of law, the Board's decision will not be disturbed where there is substantial evidence to support its conclusions.²²

PARTIES' CONTENTIONS

¹⁵ *Id.* at 36.

¹⁶ *Id.* at 39.

¹⁷ *General Motors Corp. v. McNemar*, 202 A.2d 803, 805 (Del. Super. 1964); *General Motors Corp. v. Freeman*, 164 A.2d 686, 688 (Del. Super. 1960).

¹⁸ *Oceanport Ind. v. Wilmington Stevedores*, 636 A.2d 892, 899 (Del. Super. 1994).

¹⁹ *Johnson v. Chrysler Corp.*, 213 A.2d 64, 66 (Del. Super. 1965).

²⁰ *Benson v. Phoenix Steele*, 1992 WL 354033, at *2 (Del. Super. Nov. 6, 1992).

²¹ *Reese v. Home Budget Center*, 1992 WL 91123, at *1 (Del. Super. Apr. 14, 1992).

²² *Dellachiesa v. General Motors Corp.*, 140 A.2d 137, 138 (Del. Super. 1958).

Claimant asserts that she arrived at the hearing twenty-two minutes late because she is not a Delaware resident and could not locate the building.²³ Claimant further argues that she is entitled to unemployment benefits because she resigned for good cause.²⁴ Claimant argues that she was unable to perform her responsibilities due to technical problems outside of her control.²⁵ Employer asserts that Claimant was informed during her interview and new hire process that high speed internet connection through a wire modem was a requirement for this position.²⁶ Employer also argues that they attempted to accommodate the situation the best they could by having Claimant mail the laptop with the downloaded information.²⁷ Employer further states that they would have continued to try and accommodate the situation and provide work for the Claimant had she not resigned.²⁸

DISCUSSION

Claimant's hearing was scheduled for September 22, 2010 at 11:00 am. According to 19 *Del. Admin. C.* § 1201-4.2, “[f]ailure to appear within 10 minutes of the time indicated on the Notice may result in the Board hearing the appeal in absence of the delinquent party or, if the delinquent

²³ See Appellant's Brief (“Brief”) at 1.

²⁴ Brief at 4.

²⁵ *Id.*

²⁶ R. at 22.

²⁷ *Id.* at 23.

²⁸ *Id.* at 25.

party is the appellant, dismissal of the appeal.”²⁹ Claimant did not arrive within ten minutes of the time indicated on the Notice, and thus, being the appellant, her appeal was dismissed.

Assuming, *arguendo*, Claimant did attend the hearing on time, she nonetheless is not entitled to unemployment benefits.³⁰ Under 19 *Del. C.* § 3314(1), an individual cannot qualify for unemployment benefits where that individual leaves work voluntarily without good cause.³¹ Good 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.”³²

Although 19 *Del. C.* § 3314(1) “does not impose a strict requirement that an employee exhaust all potential remedies before the employee may have good cause to quit, an employee does have an obligation to inform an employer or resolvable problems and to make a good faith effort to resolve

²⁹ 19 *Del. Admin. C.* § 1201-4.2

³⁰ R. at 26.

³¹ 19 *Del. C.* § 3314(1)

³² *Thompson v. Christiana Care Health System*, 2011 WL 3525436 at *3 (Del. Aug. 12, 2011).

them before simply leaving.”³³ In order to exhaust all reasonable alternatives, “the employee must at least notify the employer of the problem and request a solution.”³⁴ The employee “must also 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.”³⁵

Claimant argues she was unable to do her job because she could not connect to the internet. However, that is insufficient to establish good cause for resignation. Claimant attempted to resolve the technical difficulties she was experiencing. She brought the problem to Employer’s attention and made a good faith effort to solve it herself. But after 10 days of experiencing technical difficulties, Claimant filed for unemployment benefits. Claimant failed to give Employer enough time to fully resolve the problem. Also, Claimant was unwilling to mail the laptop with the downloaded information as an alternative way of completing the work. In sum, by not attempting to complete the work by alternative means as suggested by Employer, Claimant failed to exhaust all reasonable

³³ *Id.* at * 4.

³⁴ *Id.* at * 3.

³⁵ *Id.* at * 4.

alternatives.³⁶ Consequently, Claimant is ineligible for unemployment benefits.

³⁶ *Thompson*, 2011 WL 3525436, at * 3.

CONCLUSION

For the aforementioned reasons, the decision of the Unemployment Insurance Appeal Board is **AFFIRMED**.

IT IS SO ORDERED.

Jan R. Jurden, Judge