

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BRUCE S. JOYNER,	§
	§
Plaintiff Below-	§ No. 573, 1999
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
THE RIGHT TRANSPORTATION	§ in and for New Castle County,
CO.,	§ C.A. No. 99A-10-009
	§
Defendant Below-	§
Appellee.	§

Submitted: February 10, 2000

Decided: February 29, 2000

Before **VEASEY**, Chief Justice, **WALSH**, and **HOLLAND**, Justices.

**ORDER**

This 29th day of February 2000, 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, Bruce S. Joyner, filed this appeal from a Superior Court order that dismissed Joyner’s appeal from a decision of the Delaware Human Relations Commission (“the Commission”) on the ground that the appeal was factually and legally frivolous. The Commission ruled that Joyner’s charge of discrimination against the appellee, The Right

Transportation Company (“Right”), lacked merit. Right has filed a motion to affirm the Superior Court’s decision on the ground that the issue on appeal is factual and there is substantial evidence to support the Commission’s decision.

(2) The Commission conducted a hearing on April 22, 1999, following Joyner’s allegation that Right had discriminated against him in violation of Delaware’s Equal Accommodations statute. *See 6 Del. C. § 4501 et seq.* Specifically, Joyner alleged that Right refused to accommodate his transportation needs because he is physically disabled.

(3) Based on the evidence presented at the hearing, the Commission found that Joyner failed to raise any inference that Right denied transportation services because of his disability. The Commission further determined that even if Joyner had been able to raise this inference, Right may legitimately deny transportation services to clients who fail to abide by established procedures for securing transportation. On August 10, 1999, the Commission denied Joyner’s complaint pursuant to *6 Del. C. § 4504*. Joyner’s Motion for Reconsideration to the Commission also was denied on September 2, 1999.

(4) This Court's appellate review of the decision of an administrative board is limited and mirrors that of the Superior Court. Our function in this case is to determine whether the Commission's decision is supported by substantial evidence and free from legal error. *See Public Water Supply Co. v. DiPasquale*, Del. Supr., 735 A.2d 378, 380-81 (1999). Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *See Streett v. State*, Del. Supr., 669 A.2d 9, 11 (1995). Based on the record presented, we find that there was substantial evidence to support the Commission's decision. Moreover, we do not find any legal error or abuse in the Commission's decision to deny Joyner's complaint. Consequently, we find it manifest on the face of Joyner's opening brief that this appeal is without merit.

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

BY THE COURT:

          s/Joseph T. Walsh  
Justice