

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES A. INGRAM,	§
	§
Claimant/Appellant Below-	§ No. 600, 2001
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
BARRETT’S BUSINESS	§ in and for Kent County
SERVICE, INC.,	§ C.A. No. 01A-03-004
	§
Employer/Appellee Below-	§
Appellee, and	§
	§
UNEMPLOYMENT INSURANCE	§
APPEALS BOARD,	§
	§
Defendant Below-	§
Appellee.	§

Submitted: March 1, 2002

Decided: April 2, 2002

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

**ORDER**

This 2<sup>nd</sup> day of April 2002, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) Appellant James A. Ingram filed this appeal from the October 30, 2001 order of the Superior Court affirming the denial of his claim for unemployment benefits by the Unemployment Insurance Appeals Board

(“UIAB” or “Board”) . We find no merit to the appeal. Accordingly, we AFFIRM.

(2) In May 2000, Ingram began work with a landscaping company through appellee Barrett’s Business Service, Inc., a temporary employment agency. This job ended on October 6, 2000 when Ingram was laid off.<sup>1</sup> It is undisputed that following the lay-off Barrett’s offered Ingram a one-day job, which he declined, stating that he wanted a 40-hour a week job. It is also undisputed that Barrett’s then offered Ingram a job at a Playtex facility in Dover, which he also declined, stating that the pay was not high enough.

(3) On October 15, 2000, Ingram filed a claim for unemployment benefits. On October 25, 2000, Ingram was incarcerated in connection with an unrelated matter. He was released on December 21, 2000. It is undisputed that Ingram had no further contact with Barrett’s after he declined the job at Playtex. On December 29, 2000, the Claims Deputy denied Ingram’s claim for unemployment benefits on the grounds that he had refused to accept two job assignments from Barrett’s and failed to maintain contact with Barrett’s. On January 31, 2001, an Appeals Referee issued a decision affirming the

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<sup>1</sup>According to Ingram, the landscaping company required him to work through Barrett’s.

Claims Deputy. On March 14, 2001, following a hearing, the UIAB issued its decision denying benefits to Ingram.

(4) In his appeal, Ingram claims that the Board's decision must be reversed because he was approved for seasonal unemployment benefits by a Claims Deputy on October 27, 2000 following a fact-finding interview with Barrett's three days before. He claims to have received a Notice of Determination from the Claims Deputy granting him benefits and, on October 28, 2000, a benefits check. Ingram claims that his unemployment benefits should continue because Barrett's never appealed the Claims Deputy's October 27, 2000 determination.<sup>2</sup>

(5) On appeal from a decision of the UIAB, the scope of this Court's review is limited to a determination of whether the Board's decision is supported by substantial evidence and is free from legal error.<sup>3</sup> This Court does not weigh the evidence, determine issues of credibility, or make its own

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<sup>2</sup>In his reply brief on appeal to this Court, Ingram offers for the first time the following documentation in support of his claim: a) a copy of an "Unemployment Insurance History Inquiry" indicating that Ingram was issued a check on October 27, 2000; and b) a copy of a form dated October 20, 2000 and signed by Ingram indicating that he had not refused any employment. We may not consider these documents, since they were not presented to the UIAB in the first instance. SUPR. CT. R. 8. We note that the documents do not substantiate Ingram's claim to unemployment benefits in any case.

<sup>3</sup>*Unemployment Ins. Appeal Bd. v. Duncan*, 337 A.2d 308, 309 (Del. 1975).

factual findings.<sup>4</sup> Delaware law provides that an individual is disqualified from receiving unemployment benefits if he “left work voluntarily without good cause attributable to such work”<sup>5</sup> and if he “refused to accept an offer of work for which [he] is reasonably fitted.”<sup>6</sup>

(6) The Board determined, based on the undisputed evidence before it, that Ingram was not entitled to unemployment benefits, first, because he declined two job offers by Barrett’s and, second, because he failed to maintain contact with Barrett’s. Under these circumstances, we conclude that the Board’s decision was clearly based upon substantial record evidence and was free of legal error and that the Superior Court’s affirmance of the Board’s decision was clearly correct.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

s/Joseph T. Walsh  
Justice

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<sup>4</sup>*Johnson v. Chrysler Corp.*, 213 A.2d 64, 66 (Del. 1965).

<sup>5</sup>DEL. CODE ANN. tit. 19, § 3315(1) (1995).

<sup>6</sup>DEL. CODE ANN. tit. 19, § 3315(3) (1995).