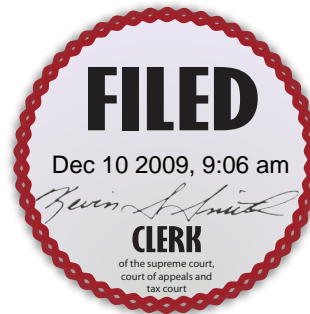


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



APPELLANT PRO SE:

ATTORNEYS FOR APPELLEE:

THERESA HACK
Roanoke, Indiana

GREGORY F. ZOELLER
Attorney General of Indiana

ELIZABETH ROGERS
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

THERESA HACK,)
)
Appellant-Defendant,)
)
vs.)
)
REVIEW BOARD OF THE)
INDIANA DEPARTMENT OF)
WORKFORCE DEVELOPMENT and)
BROWN and BROWN, INC.,)
)
Appellees-Plaintiffs.)

No. 93A02-0904-EX-316

APPEAL FROM THE REVIEW BOARD OF THE DEPARTMENT OF
WORKFORCE DEVELOPMENT
Cause No. 09-R-369

December 10, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

VAIDIK, Judge

Case Summary

Theresa Hack, *pro se*, appeals the decision of the Unemployment Insurance Review Board of the Indiana Department of Workforce Development (“Review Board”) denying her unemployment benefits. Hack requests that we consider additional evidence and allow her to receive unemployment benefits. Because Hack provides no evidence that she requested the Review Board to consider this additional evidence, we affirm.

Facts and Procedural History

Hack made a claim for unemployment benefits after her job as a claims examiner ended at Brown and Brown. A claims deputy determined that Hack quit due to job dissatisfaction and was ineligible for benefits since she voluntarily left employment without good cause in connection with the work. Hack then appealed and requested a hearing before an administrative law judge, stating that she did not quit her job due to job dissatisfaction but instead was terminated because she could not work her assigned hours. At the telephonic hearing, ALJ James M. Martin asked Hack why she left her job. She responded,

Um, I, um, I had asked them if I could drop my hours down because I have a son who needs special classes and special therapy. Um, due to a disability, and um, they told me that, um, I had to work my 8 to 5 hours, and I said that I, I could do that for three of the days and the other two days I could do half days, and wanted to try to make up my time, and they said that they couldn't. And I asked if I could work another job, and they said they had nothing else available and that they would have to let me go if I could not work, because I, because I could not work the 40 hours a week a[t] 8 to 5 everyday.

Tr. p. 2-3. In his decision, ALJ Martin concluded,

Based upon the evidence of record the ALJ concludes that the claimant did quit the employment. Although the claimant had compelling personal

reasons for leaving the employment due to the disability of her son that was a matter personal to her and cannot be construed as an objective good cause in connection with the work for resigning. The claimant's responsibilities to her son were personal in nature and not objective good cause in connection with the work for terminating the employment relationship for unemployment compensation benefit purposes. This decision does not question the decision of the claimant to resign under the compelling personal circumstances, however, for unemployment compensation benefit purposes it was not objective good cause in connection with the work.

ALJ Decision p. 2.¹ The ALJ affirmed the claims deputy's initial determination. Hack then appealed to the Review Board, which adopted and incorporated the ALJ's findings and conclusions and affirmed the ALJ's decision. Hack, *pro se*, now appeals.

Discussion and Decision

Hack requests that we consider additional evidence and allow her to receive unemployment benefits. We initially observe that although Hack proceeds *pro se*, she is held to the same standard as are licensed lawyers. *Goossens v. Goossens*, 829 N.E.2d 36, 43 (Ind. Ct. App. 2005). Hack has failed to conform to our appellate rules. She did not submit an appendix, *see* Ind. Appellate Rule 49(A), nor has she presented a cogent argument with citations to the record or legal authority, *see* Ind. Appellate Rule 46(A)(8)(a). She has thus waived this issue on appeal. *See Ramsey v. Review Bd. of Ind. Dep't of Workforce Dev.*, 789 N.E.2d 486, 490 (Ind. Ct. App. 2003) (“[B]ecause Ramsey’s noncompliance with the appellate rules substantially impedes us from reaching the merits of this appeal, we are compelled to find the issues raised are waived.”).

¹ As Hack did not submit an appendix, we cite to the copy of the decision appended to her brief.

Waiver notwithstanding, we review whether we may consider Hack's additional evidence. The admission of additional evidence is governed by 646 Indiana Administrative Code 3-12-8(b), which provides in pertinent part:

Each hearing before the review board shall be confined to the evidence submitted before the administrative law judge unless it is an original hearing. *Provided, however, the review board may hear or procure additional evidence upon its own motion, or upon written application of either party, and for good cause shown, together with a showing of good reason why such additional evidence was not procured and introduced at the hearing before the administrative law judge.*

(Emphasis added). Here, Hack should have made written application to the Review Board requesting that it consider her additional evidence, which consists of a letter written by her employer after the telephonic hearing with ALJ Martin. Given the state of the record on appeal, Hack provides no evidence that she made a request pursuant to 646 Indiana Administrative Code 3-12-8(b). Thus, we may not consider her additional evidence on appeal. Even assuming that she did present evidence of such a request, she fails to argue on appeal that the Review Board abused its discretion in denying her request to consider the additional evidence. *See Smitty's Painting, Inc. v. Review Bd. of Dep't of Workforce Dev.*, 908 N.E.2d 244, 246 (Ind. Ct. App. 2009) (stating that the admission of additional evidence is within the Review Board's discretion and that we review such a decision for an abuse of discretion).

Affirmed.

RILEY, J., and CRONE, J., concur.