APPELLANT PRO SE:

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IN THE COURT OF APPEALS OF INDIANA

JERROLYN M. DOUGLAS,	)	
	)	
Appellant,	)	
	)	
vs.	)	No. 93A02-0605-EX-404
	)	
REVIEW BOARD OF THE INDIANA DEPARTMENT OF WORKFORCE DEVELOPMENT and CHAVIS & CHAVIS,	)	
	)	
Appellees.	)	

APPEAL FROM THE REVIEW BOARD OF THE DEPARTMENT OF WORKFORCE DEVELOPMENT
Cause No. 05-R-3523

December 20, 2006

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARNES, Judge

Case Summary

Jerrolyn M. Douglas appeals the denial of unemployment benefits from the Unemployment Insurance Review Board ("Review Board"). We affirm.

Issue

Douglas raises one issue, which we restate as whether the Review Board properly denied her request for unemployment benefits.

Facts

Douglas worked at Chavis & Chavis from August 2, 2004 until August 22, 2005. During that time, Douglas exhausted all of her paid time off, sick days, and unexcused absences. On December 2, 2004, Douglas was given a written warning regarding unexcused absences and was informed that if she received another unexcused absence within a year she would be warned and suspended. On August 1, 2005, Douglas accumulated another unexcused absence. Accordingly, on August 8, 2005, Douglas was suspended for a day and was informed that if she received another unexcused absence before December 1, 2005, Chavis & Chavis reserved the right to terminate her employment. On August 22, 2005, Douglas left work early because her autistic son was having a "raging fit" and could not be controlled. Tr. p. 10. Douglas was warned that if she left at that time, her employment would be terminated. As a result of Douglas leaving early, her employment was terminated.

Douglas sought unemployment benefits. The Indiana Department of Workforce Development ("IDWD") initially determined that Douglas was ineligible for unemployment benefits. Douglas appealed to an administrative law judge ("ALJ"), who

affirmed the IDWD decision. Douglas then appealed to the Review Board, which affirmed the decision of the ALJ. Douglas now appeals.

Analysis

Douglas appeals the denial of unemployment benefits pro se. The entirety of the argument section of her brief provides:

> On page two (2) of the transcript lines eleven-fourteen (exhibit A of brief) the Judge asked Mr. Chavis for dates of employment and the response was inaudible, but on page ten (exhibit N) line fourteen I (claimant) states that I started work around the end of July 2004. My last date was August of 2005.
>
> That I, Jerrolyn M. Douglas qualify for the Family Medical Leave Act.

Appellant's Br. p. 1.

We have repeatedly observed that litigants who choose to proceed pro se will be held to the same rules of procedure as trained legal counsel and must be prepared to accept the consequences of their actions. Shepherd v. Truex, 819 N.E.2d 457, 463 (Ind. Ct. App. 2004). Douglas may not take refuge in the sanctuary of her amateur status. See id.

Although we prefer to decide cases on the merits, we will deem alleged errors waived where an appellant's noncompliance with the rules of appellate procedure is so substantial that it impedes our consideration of the errors. Id. "The purpose of the appellate rules, especially Ind. Appellate Rule 46, is to aid and expedite review, as well as to relieve the appellate court of the burden of searching the record and briefing the case." Id. The argument section of an appellant's brief "must contain the contentions of

the appellant on the issues presented, supported by cogent reasoning. Each contention must be supported by citations to the authorities, statutes, and the Appendix or parts of the Record on Appeal relied on . . . ." Ind. Appellate Rule 46(A)(8)(a). We will not consider an appellant's assertions when he or she fails to present cogent arguments supported by authority and references to the record as required by the rules. Shepherd, 819 N.E.2d at 463. "If we were to address such arguments, we would be forced to abdicate our role as an impartial tribunal and would instead become an advocate for one of the parties." Id. We clearly cannot do this. Id.

Douglas's appellant's brief contains only a scant argument section and is devoid of citation to authority as required by Indiana Appellate Rule 46(A)(8). Although Douglas's reply brief does contain a more extensive argument section largely reciting the facts leading to the termination of her employment, it still lacks citation to authority. Further, to the extent Douglas raises issues for the first time in her reply brief, "[t]he law is well settled that grounds for error may only be framed in an appellant's initial brief and if addressed for the first time in the reply brief, they are waived." Monroe Guar. Ins. Co. v. Magwerks Corp., 829 N.E.2d 968, 977 (Ind. 2005). To address the issue Douglas raises, we would have to abdicate our role as an impartial tribunal and become an advocate for her, something we cannot do. Shepherd, 819 N.E.2d at 463. Douglas's failure to provide us with cogent argument waives the issue she raises on appeal.

Conclusion

Douglas's failure to provide cogent argument and citation to authority results in the waiver of the issue she raises on appeal. We affirm.

Affirmed.

BAILEY, J., and VAIDIK, J., concur.