APPELLANT PRO SE:

MATTHEW TOTTEN
Chesterton, Indiana

ATTORNEYS FOR APPELLEES:

GREGORY F. ZOELLER
Attorney General of Indiana

ELIZABETH ROGERS
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

MATTHEW TOTTEN,	)	
	)	
Appellant-Petitioner,	)	
	)	
vs.	)	No. 93A02-1102-EX-209
	)	
REVIEW BOARD OF THE INDIANA DEPARTMENT OF WORKFORCE DEVELOPMENT and GREAT LAKES GRANITE,	)	
	)	
Appellees-Respondents.	)	

APPEAL FROM THE INDIANA DEPARTMENT OF WORKFORCE DEVELOPMENT
Review Board
Cause No. 10-R-7433

November 29, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

MAY, Judge

Matthew Totten appeals *pro se* the Review Board's decision to deny his unemployment benefits. Specifically, the Review Board found Totten was terminated for just case, based on his violation of the anti-harassment policy in Great Lakes Granite's employee handbook.

When an employee is alleged to have been terminated for just cause, the employer bears the burden of proof to establish a *prima facie* showing just cause for termination. *Hehr v. Review Board of the Indiana Employment Sec. Dev*., 534 N.E.2d 1122, 1124 (Ind. Ct. App. 1989). Once the employer meets its burden, the burden shifts to the employee to introduce competent evidence to rebut the employer's case. *Id*. At the unemployment hearing, Great Lakes Granite presented evidence Totten knowingly violated the anti-harassment policy in its employee handbook such that his termination was supported by just cause. Thus, Totten had the burden to rebut Great Lakes Granite's contentions. Instead, he advanced general statements asserting Great Lakes Granite fabricated their reasons to terminate him.

Now, on appeal, Totten claims he was "discharged for cooperating with an Indiana Occupational Safety and Health Administration (IOSHA) investigation of Great Lakes Granite Inc." and his termination "violates section 11(c) of the Occupational Safety and Health Act which prohibits any person from being discharged for this reason." (Br. of Appellant at 4.)

It is well settled that *pro se* litigants are held to the same standards as licensed attorneys and are required to follow procedural rules. *Evans v. State*, 809 N.E.2d 338, 344 (Ind. Ct. App. 2004), *trans. denied*. Fatal to Totten's appeal is his non-compliance with Ind.

Appellate Rule 46(A)(8)(a), which states, "The argument must contain the contentions of the appellant on the issues presented, supported by cogent reasoning. Each contention must be supported by citations to authorities, statutes, and the Appendix or parts of the Record on Appeal relied upon[.]" Failure to present a cogent argument results in waiver of the issue on appeal. *Hollowell v. State*, 707 N.E.2d 1014, 1025 (Ind. Ct. App. 1999). Accordingly, Totten has waived his arguments for appeal, and we affirm the Review Board's decision.

Affirmed.

NAJAM, J., and RILEY, J., concur.