

IN THE UTAH COURT OF APPEALS

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Michael Clayton Martin,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner,)	
)	Case No. 20080052-CA
v.)	
)	F I L E D
Department of Workforce)	(December 18, 2008)
Services, Workforce Appeals)	
Board; and Munsen Mechanical,)	2008 UT App 466
Inc.,)	
)	
Respondents.)	

Original Proceeding in this Court

Attorneys: Michael Clayton Martin, Salt Lake City, Petitioner
Pro Se
Suzan Pixton, Salt Lake City, for Respondent
Department of Workforce Services, Workforce Appeals
Board

Before Judges Greenwood, Billings, and Orme.

PER CURIAM:

Michael Clayton Martin petitions for judicial review of the final decision of the Workforce Appeals Board (the Board). We affirm.

Martin first argues that the Board erroneously determined that Martin voluntarily left his employment with Munsen Mechanical, Inc. without good cause, thereby making him ineligible for unemployment benefits. In reviewing the Board's factual findings, "we will affirm them whenever they are 'supported by substantial evidence when viewed in light of the whole record before the court.'" Whitear v. Labor Comm'n, 973 P.2d 982, 984 (Utah Ct. App. 1998) (quoting Utah Code Ann. § 63-46b-16(4)(g) (1997)¹). Further, the Board's findings will "not be overturned if based on substantial evidence, even if another

¹This section is now codified at Utah Code section 63G-4-403(4)(g). See Utah Code Ann. § 63G-4-403(4)(g) (2008).

conclusion from the evidence is permissible." Hurley v. Board of Review of Indus. Comm'n, 767 P.2d 524, 526-27 (Utah 1988). Similarly, we defer to the Administrative Law Judge's (ALJ) determinations concerning credibility because the ALJ is in the best position to judge the credibility of the witnesses. See Questar Pipeline Co. v. Utah State Tax Comm'n, 850 P.2d 1175, 1178 (Utah 1993). Finally, when reviewing the Board's application of the facts to the operative legal provisions, "[w]e defer to the Board's interpretation and application of the operative provisions . . . so long as the Board's decision is reasonable and rational, i.e., the findings of fact support the Board's conclusion." Adele's Housekeeping v. Department of Employment Sec., 757 P.2d 480, 482 (Utah Ct. App. 1988).

The Board determined that Martin had quit his employment without good cause. Voluntarily leaving employment without good cause makes a claimant ineligible for unemployment benefits. See Utah Code Ann. § 35A-4-405(1)(a) (2005). "To establish good cause, a claimant must show that continuing employment would have caused an adverse effect which the claimant could not control or prevent. The claimant must show an immediate severance of the employment relationship was necessary." Utah Admin. Code R994-405-102. Here, the record supports the Board's findings,² and those findings, in turn, support the Board's conclusion that Martin voluntarily quit his employment without good cause. Specifically, despite Martin setting forth several minor reasons supporting his decision to quit, the testimony supporting the ALJ's decision demonstrated that after Martin's employer asked Martin to come to work, Martin indicated that he could not because he was working for another employer. When the employer asked how they could resolve their issues if Martin would not report to work, Martin responded that he was quitting. The testimony also supports the ALJ's factual determinations that many of Martin's "reasons for quitting were of his own making and, therefore, within his control to resolve." In the end, the factual findings of the ALJ and the Board are supported by substantial evidence and the Board's decision, based upon that evidence, was both reasonable and rational.³

Martin also claims that he was entitled to compensation from the Department of Workforce Services because the Department required him to work to prosecute this case. This argument is

²The Board adopted the findings of fact made by the ALJ.

³Martin makes several other arguments concerning the amount of compensation to which he believes he is entitled. However, because the Board did not err in denying him benefits, those issues are moot.

without merit. All time Martin spent prosecuting his case was done on his own behalf, not on behalf of the Department. The Department merely provided Martin with a forum to resolve his claim against his previous employer. As such, Martin provided no services to the Department and was not entitled to compensation from the Department.

Finally, to the extent Martin raises any other issues that are not specifically addressed in this decision, we conclude that the issues are inadequately briefed or are without merit. See Utah R. App. P. 24 (detailing briefing requirements). Accordingly, we decline to address them. See State v. Carter, 776 P.2d 886, 888 (Utah 1989).

Affirmed.

Pamela T. Greenwood,
Presiding Judge

Judith M. Billings, Judge

Gregory K. Orme, Judge