

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

Frank Parker,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Petitioner,	)	
	)	Case No. 20080847-CA
v.	)	
	)	
Department of Workforce	)	F I L E D
Services, Workforce Appeals	)	(December 11, 2008)
Board,	)	
	)	2008 UT App 456
Respondent.	)	

-----

Original Proceeding in this Court

Attorneys: Frank Parker, Salt Lake City, Petitioner Pro Se  
Geoffrey T. Landward, Salt Lake City, for Respondent

-----

Before Judges Bench, Davis, and McHugh.

PER CURIAM:

Frank Parker petitions for review of the Workforce Appeals Board's (Board) decision affirming the denial of unemployment benefits to Parker. This is before the court on its own motion for summary disposition based on the lack of a substantial question for review.

This court will reverse an administrative agency's required findings of fact "only if the findings are not supported by substantial evidence." Drake v. Industrial Comm'n, 939 P.2d 177, 181 (Utah 1997). This court will not disturb the Board's conclusion regarding the application of law to facts unless it "exceeds the bounds of reasonableness and rationality." Nelson v. Dep't of Employment Sec., 801 P.2d 158, 161 (Utah Ct. App. 1990).

Parker asserts several issues, arguing that other rules or statutes applied and that the Administrative Law Judge was biased. However, he raises these issues for the first time on review. Accordingly, these issues are not properly before the court. See Esquivel v. Labor Comm'n, 2000 UT 66, ¶ 34, 7 P.3d 777.

Parker also argues that he was discharged for a reason other than that on the record, as shown by a letter from the employer received by the Board after the hearing. The Board noted that the letter constituted new evidence and was inappropriately before the Board on appeal. Furthermore, the Board also noted that the letter would not change the analysis. The ultimate decision was that the employer met its burden to demonstrate just cause for the discharge.

On review of the record, there is substantial evidence to support the Board's decision. Parker admitted that he deliberately did not list his prior convictions in the space on the form. The employer testified that both Parker's convictions and his failure to disclose them were reasons for discharge. The record establishes that Parker was discharged for just cause. As a result, he is ineligible for unemployment benefits. See Utah Code Ann. § 35A-4-405 (Supp. 2008).

Affirmed.

---

Russell W. Bench, Judge

---

James Z. Davis, Judge

---

Carolyn B. McHugh, Judge