

IN THE UTAH COURT OF APPEALS

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Robert W. Thomas,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Petitioner,)		
)	Case No. 20080210-CA	
v.)		
)		
<u>Department of Workforce</u>)	F I L E D	
<u>Services, Workforce Appeals</u>)	(October 9, 2008)	
<u>Board, and Labormax Staffing,</u>)		
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Respondent.)		

Original Proceeding in this Court

Attorneys: Robert W. Thomas, Ogden, Petitioner Pro Se
Geoffrey Landward, Salt Lake City, for Respondent

Before Judges Billings, Davis, and McHugh.

PER CURIAM:

Robert W. Thomas petitions for judicial review of the final decision of the Workforce Appeals Board (the Board). We affirm.

Thomas argues that the Board erroneously determined that Thomas voluntarily left his employment with Labormax Staffing, thereby making Thomas 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.'" Whitcar v. Labor Comm'n, 973 P.2d 982, 984 (Utah Ct. App. 1998) (quoting Utah Code Ann. § 63-46b-16(4)(g) (1997)). Further, the Board's findings will "not be overturned if based on substantial evidence, even if another conclusion from the evidence is permissible." Hurley v. Board of Review of Indus. Comm'n, 767 P.2d 524, 526-27 (Utah 1988). As such, a party seeking to challenge the Board's factual findings "must marshall [sic] all of the evidence supporting the findings and show that despite the supporting facts, and in light of the conflicting or contradictory evidence, the findings are not supported by substantial evidence." Grace Drilling Co. v. Board of Review of Indus. Comm'n, 776 P.2d 63, 68 (Utah Ct. App. 1989). Although we may afford pro se appellants some leeway in presenting their

cases, Thomas has wholly failed to meet his burden to marshal the evidence and to explain how the Board was incorrect.

In detailing the factual scenario that Thomas believes entitles him to unemployment benefits, Thomas recounts an incident that was unrelated to his work at Labormax, but instead, related to his work for another employer. The unchallenged facts developed in Thomas's hearing before the Administrative Law Judge indicate that Thomas stopped calling Labormax to obtain jobs, including a weekly job to drive cars for an auto auction. These unchallenged facts support the Board's ultimate conclusion that Thomas voluntarily left his employment with Labormax. Furthermore, Thomas did not meet his burden to show he had good cause for quitting his employment or that equity and good conscience dictated an award of benefits in this case. See Utah Admin. Code R994-405-102, -103 (2007). Accordingly, the Board did not err in determining that Thomas was not entitled to benefits.

Although Thomas raises other issues in his appeal, he provides absolutely no argument or factual background to support these arguments, thereby making it impossible for this court to provide any meaningful review. Accordingly, we decline to address them. See State v. Bishop, 753 P.2d 439, 450 (Utah 1988) (stating that the court may decline to review issues that are not properly briefed).

Affirmed.

Judith M. Billings, Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge