

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT COUNTY

TEREDA D. WALKER,	:	
	:	C.A. No. K14A-06-006 TBD
Appellant,	:	
	:	
v.	:	
	:	
UNEMPLOYMENT INSURANCE	:	
APPEAL BOARD,	:	
	:	
Appellee.	:	

Submitted: December 2, 2014

Decided: March 12, 2015

**ORDER**

Upon an Appeal from the Unemployment Insurance  
Appeal Board. *Affirmed.*

Tereda D. Walker, *pro se*

Paige J. Schmittinger, Esquire, Department of Justice, Wilmington, Delaware;  
attorney for the Unemployment Insurance Appeal Board.

WITHAM, R.J.

The issue before the Court is whether the Unemployment Insurance Appeals Board correctly determined that the Appellant was disqualified from the receipt of unemployment benefits because she voluntarily left her employment without good cause attributable to her work.

### **FACTS AND PROCEDURE**

This is a *pro se* appeal by Tereda Walker (hereinafter “Walker”) from the decision of the Unemployment Insurance Appeals Board (hereinafter “the UIAB” or “the Board”) affirming the decision of the Appeals Referee which found Walker was disqualified from receipt of unemployment benefits pursuant to 19 *Del. C.* § 3314(1).

Since the Board affirmed the Referee’s determination and adopted her factual findings as those of the Board, the Court begins by restating the factual findings made by the Appeals Referee, substantially in their entirety:

[Walker] worked for the Delaware Department of State/Division of Corporations (hereinafter the “employer”) as a franchise tax assistant from September 24, 2012 through January 29, 2014. At the time of discharge, she was working full-time and earned \$13.16 per hour.

[Walker] was absent from work under the Family Medical Leave Act (FMLA), beginning August 1, 2013 as she was to undergo surgery and rehabilitation in connection with an underlying medical condition. When her FMLA expired, she continued to take leave under short term disability and was due to return to work on January 29, 2014. However,

on October 19, 2013, her daughter, born in August 1992, became seriously ill with Guillain-Barre Syndrome while away at college. Her daughter was paralyzed as a result of the illness and was hospitalized twice for prolonged periods. After her second release from the hospital, her daughter was required to go through extensive rehabilitation. Even though she was recovering herself, she needed to provide care for her daughter and continues to provide care for her daughter during the rehabilitation process.

As she was unable to work, she resigned from employment effective January 29, 2014.<sup>1</sup>

Both the Appeals Referee and the Board ultimately concluded that Walker was disqualified from receiving unemployment benefits pursuant to 19 *Del. C.* § 3314(1) because she voluntarily left her employment without good cause attributable to her employment. Now before this Court is Walker's appeal. For the reasons stated below, this Court finds that the Board's decision is supported by substantial evidence and free from legal error, accordingly, the decision of the Board is affirmed.

#### **STANDARD OF REVIEW**

As with appeals from all administrative agencies, when a decision of the UIAB is appealed, this Court's scope of review is limited to "determining whether the

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<sup>1</sup> R. at 46 (The employer's representative and witness confirmed the facts as stated.).

Board’s findings and conclusions are supported by substantial evidence and free from legal error.”<sup>2</sup> Substantial evidence means “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.”<sup>3</sup> This Court will not weigh the evidence, determine questions of credibility, or make its own factual findings.<sup>4</sup> The Court considers the record in the light most favorable to the prevailing party below.<sup>5</sup> Questions of law are reviewed *de novo* “to determine whether the Board erred in formulating or applying legal concepts.”<sup>6</sup> If the Board’s decision is supported by substantial evidence and there is no legal error, the Board’s decision will be affirmed.<sup>7</sup>

### **DISCUSSION**

Pursuant to 19 *Del. C.* § 3314(1), an individual is disqualified from the receipt of unemployment benefits if “the individual left work voluntarily without good cause

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<sup>2</sup> *Sandefur v. Unemployment Ins. App. Bd.*, 1993 WL 389217, at \*2 (Del. Super. Aug. 27, 1993) (citations omitted).

<sup>3</sup> *Olney v. Cooch*, 425 A.2d 610, 614 (Del. 1981) (quoting *Consolo v. Fed. Mar. Comm’n*, 383 U.S. 607, 620 (1966)).

<sup>4</sup> *Hopkins Const., Inc. v. Unemployment Ins. App. Bd.*, 1998 WL 960713, at \*2 (Del. Super. Ct. Dec. 17, 1998) (citing *Johnson v. Chrysler Corp.*, 213 A.2d 64, 66-67 (Del. 1965)).

<sup>5</sup> *Smith v. Placers, Inc.*, 1993 WL 603375, at \*2 (Del. Super. Nov. 17, 1993) (citation omitted).

<sup>6</sup> *Gaskill v. BesTemps*, 2013 WL 5785288, at \*2 (Del. Super. Oct. 2, 2013) (citing *PAL of Wilmington v. Graham*, 2008 WL 2582986, at \*4 (Del. Super. Ct. June 18, 2008)).

<sup>7</sup> *Smith*, 1993 WL 603375, at \*2 (citing *Longobardi v. Unemployment Ins. App. Bd.*, 287 A.2d 690, 692 (Del. Super. 1971)).

attributable to such work. . . .”<sup>8</sup> An employee voluntarily quits their employment when they leave on their own motion as opposed to being discharged, and have “a conscious intention to leave or terminate the employment.”<sup>9</sup> The burden is on the employee to establish good cause attributable to the employment that justifies voluntarily leaving work.<sup>10</sup> Good Cause must be primarily connected with the employment **rather than based on personal reasons.**<sup>11</sup>

The relevant facts of this case are almost identical to those in *Baker*. Walker submitted a resignation letter and voluntarily left her employment to provide total care for her adult daughter.<sup>12</sup> She did so not meeting the statutory meaning of “good cause.” While the Court echoes the sentiment expressed by the Board’s decision and takes no pleasure in denying unemployment insurance benefits to Walker, Delaware law specifically precludes the benefits sought by Walker under these circumstances. Clearly, the need to care for her daughter is vitally important, but is nonetheless a

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<sup>8</sup> 19 *Del. C.* § 3314(1).

<sup>9</sup> *Gsell v. Unclaimed Freight*, 1995 WL 339026, at \*2 (Del. Super. May 3, 1995) (citations omitted).

<sup>10</sup> *Hopkins Const., Inc.*, 1998 WL 960713, at \*3 (citation omitted).

<sup>11</sup> *White v. Security Link*, 658 A.2d 619 (Del. Super. 1994) *see also Baker v. SPL Polyols, Inc.*, 1998 WL 109945 (Del. Super. Jan. 7, 1998), *aff’d* 1998 WL 372856 (Del. May 27, 1998) (The Court found that an employee who left work to care for her terminally ill husband did not do so for good cause within the meaning of the statute because the circumstances—while tragic— were entirely unrelated to her employment.

<sup>12</sup> R. 11.

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personal reason.

Accordingly, the Board's conclusion that Walker is disqualified from receiving benefits under § 3314(1) is supported by substantial evidence and free from legal error.

**CONCLUSION**

In light of the substantial evidence in support of the UIAB's decision, as well as the absence of any error of law, the decision of the UIAB must be, and is, hereby **AFFIRMED**.

IT IS SO ORDERED.

/s/ William L. Witham, Jr.  
Resident Judge

WLW/dmh