

SUPERIOR COURT
OF THE
STATE OF DELAWARE

RICHARD F. STOKES
JUDGE

SUSSEX COUNTY COURTHOUSE
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RE: *Hopkins v. Aculabs, Inc. & Unemployment Insurance Appeal Board*
C.A. No. S14A-01-002 RFS

Date Submitted: May 9, 2014
Date Decided: August 4, 2014

Dear Parties:

Before the Court is the appeal of Angel Hopkins (“Hopkins”) of a decision rendered against her by the Unemployment Insurance Appeal Board (the “Board”) regarding her decision to voluntarily quit her job with her former employer, Aculabs, Inc. (“Aculabs”). For the reasons explained below, the Board’s decision is **AFFIRMED.**

FACTS & PROCEDURAL BACKGROUND

Hopkins was employed by Aculabs from March 19, 2011 until quitting her employment on August 6, 2013. During this time she worked as a part-time, mobile phlebotomist, earning \$12 per hour. Her job required traveling to patients.

Subsequent to her leaving Aculabs, Hopkins filed for unemployment insurance benefits with the Delaware Department of Labor's Division of Unemployment Insurance (the "Division"). The Claims Deputy/Agency Representative for the Division found that Hopkins had not met her burden of showing that she had quit her job at Aculabs for good cause. Rather, the Claims Deputy determined that Hopkins had voluntarily quit without good cause. Therefore, Hopkins was disqualified from receiving unemployment insurance benefits.

Hopkins filed a timely appeal to an Appeals Referee. The Referee agreed with the Deputy regarding Hopkins' voluntarily quitting her job. The Board affirmed the Referee's decision, finding that Hopkins voluntarily left her job without good cause connected to her work. Therefore, Hopkins was disqualified from the receipt of unemployment benefits pursuant to 19 *Del. C.* § 3314(1).

In his written opinion, the Referee described the events that transpired on August 6, 2013. While preparing for her afternoon shift, Hopkins was called to go to the Seaford Center to draw blood. Hopkins did not have the correct supplies to

complete the job, so she asked permission to obtain supplies from Nanticoke Hospital. However, Hopkins' supervisor at Aculabs, Sherri Stewart ("Stewart"), told her to go to the Milford Center to pick up her supplies, and questioned her as to why she did not have the required supplies on hand. The cultures at Milford were different from the ones at Nanticoke. Hopkins and Stewart argued on the telephone. Shortly after their conversation, Hopkins told Stewart that she was quitting through text message.

Both Hopkins and Stewart largely agree about the events that took place leading up to Hopkins' resignation. However, Hopkins offers a defense for her actions. According to Hopkins, both of her aging parents required high levels of care. This responsibility fell solely on Hopkins. Stewart had been accommodating during Hopkins' father's prior kidney dialysis treatments, allowing her to take time off to take him to various appointments. In doing so, Stewart only required that Hopkins not remain on the clock while caring for her parents. Hopkins and Stewart were making ongoing arrangements to accommodate the situation. Yet, Hopkins was disappointed with the efforts taken by Stewart. On August 5th, Hopkins' mother was taken to the hospital. Therefore, Hopkins stated that she would be unable to work. No documentation was provided to Aculabs or the Appeals Referee regarding Hopkins' need to stay home from work to care for her parents.

After quitting, Hopkins presented information that she suffers from depression. Her doctor stated that, psychologically, Hopkins is able to go back to work, but that she needed to be cleared by a psychiatrist. Hopkins was reluctant to provide Aculabs with this information for fear that it would affect her work. While treating for this condition during her employment, no doctor advised her that she could not work.

STANDARD OF REVIEW

When reviewing appeals from the Board, this Court will only examine the record upon which the Board relied in making its decision.¹ The Court will only consider whether substantial evidence supported the Board's decision, and whether the Board's decision was free from legal error.² The necessary degree of evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."³ Evaluating the evidence, deciding credibility issues, and determining factual questions are not within the Court's purview.⁴ Ultimately, the Court only decides whether a sufficient basis supports the Board's decision.⁵

¹ *Burgos v. Perdue Farms, Inc.*, 2011 WL 1487076, at *2 (Del. Super. Apr. 19, 2011).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

ANALYSIS

Parties' Contentions⁶

Hopkins claims that she quit her job for good cause; therefore, she should be allowed to recover unemployment insurance benefits. Hopkins claims that she was harassed and abused by Sherri Stewart, causing her to experience health problems and mental stress. At that time, Hopkins was also taking care of her ill parents and suffering from depression. Hopkins claims that the disagreement between Stewart and her regarding Hopkins' need to go to Milford to pick up proper supplies was her breaking point. In Hopkins' view, the culmination of previous events as well as this final argument led her to resign for good cause. Thus, she is entitled to unemployment insurance benefits.⁷

Discussion

19 *Del. C.* § 3314 describes the disqualification of unemployment insurance benefits:

An individual shall be disqualified from benefits . . . [f]or the week in which the individual left work voluntarily without good cause attributable for such work and for each week thereafter until the

⁶ Aculabs and the Board have not submitted briefing to the Court arguing that the Board's decision should be upheld.

⁷ Hopkins briefing for the Court largely dealt with issues falling outside of the record. This Court may only consider issues present in the record. *See Cassello v. News Journal Co.*, 2010 WL 5825342, at *3 (Del. Super. Dec. 29, 2010).

individual has been employed for each of four subsequent weeks (whether or not consecutive) and has earned wages in covered employment equal to not less than four times the weekly benefit amount.⁸

If a claimant is in violation of this statutory directive, he or she cannot receive unemployment benefits.⁹

The claimant has the burden of proving, by a preponderance of evidence, that she voluntarily quit her job for good cause.¹⁰ A “preponderance of evidence” is defined as “the side on which the greater weight of evidence is found.”¹¹

The Court concludes that the Board’s decision regarding Hopkins’ failure to establish good cause was supported by substantial evidence and free from legal error. If a claimant is found to have voluntarily quit her job *without good cause*, she is disqualified from the receipt of unemployment benefits.¹² Good cause must be primarily associated with the employment rather than based on personal

⁸ 19 Del. C. § 3314(1).

⁹ *Id.*

¹⁰ *Longobardi v. Unemployment Ins. Appeal Bd.*, 287 A.2d 690, 692 (Del. Super. 1971), *affd*, 293 A.2d 295 (Del. 1972).

¹¹ *Taylor v. State*, 2000 WL 313501 at *2 (Del. Feb. 23, 2000).

¹² *Longobardi*, 287 A.2d at 692.

considerations.¹³ Delaware law is clear that the motivating reasons for willfully leaving employment must be inherent to the work or directly related to the job itself.¹⁴

In this situation Hopkins and her employer, Aculabs, had been working toward a solution to the family challenges Hopkins faced, and Hopkins' doctor had stated that she was able to work. Hopkins chose to resign from her job after having an argument with her employer. Stewart's request that Hopkins go to Milford to pick up supplies was reasonable. Therefore, this Court finds that the Board had substantial evidence to determine that Hopkins failed to establish, by a preponderance of evidence, that she quit her job for good cause attributable to her work. Hopkins quit for personal reasons. As a result, she cannot recover unemployment benefits. Additionally, the Board's decision is free from legal error.

Considering the foregoing reasons, the Board's decision is **AFFIRMED**.

IT IS SO ORDERED.

Very truly yours,

/s/ Richard F. Stokes

Richard F. Stokes

Cc: Judicial Case Manager
Prothonotary

¹³ *White v. Security Link*, 658 A.2d 619 (Del. Super. 1994).

¹⁴ *Id.*