

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KARL OWENS,	§	
	§	No. 40, 2012
Appellant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
CARMAN FORD, INC.,	§	
	§	
Appellee Below,	§	C.A. No. N11A-02-004
Appellee.	§	

Submitted: June 8, 2012  
Decided: August 24, 2012

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

**O R D E R**

This 24<sup>th</sup> day of August 2012, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The appellant, Karl Owens, was employed by the appellee, Carman Ford, Inc., from June 2008 until October 2010. Owens quit work following his refusal to reimburse Carman for damage to a customer's car. This appeal arises from Owens' unsuccessful claim for unemployment benefits.

(2) Under Delaware law, an employee is disqualified from receiving unemployment benefits if the employee voluntarily ends

employment without good cause.<sup>1</sup> We have held that “good cause is established where: (i) an employee voluntarily leaves employment for reasons attributable to issues within the employer’s control and under circumstances in which no reasonably prudent employee would have remained employed; and (ii) the employee first exhausts all reasonable alternatives to resolve the issues before voluntarily terminating his or her employment.”<sup>2</sup>

(3) In this case, a Claims Deputy determined, after reviewing evidence submitted by Owens and Carman, that Owens was ineligible for unemployment benefits because he voluntarily left his employment without good cause. Owens appealed the Claims Deputy’s determination to an Appeals Referee.

(4) Owens and John Henry, Carman’s Parts and Service Director, testified at a hearing before the Appeals Referee. By decision dated December 10, 2010, the Appeals Referee affirmed the Claims Deputy’s decision. The Appeals Referee found that:

Although [Owens] made a decision not to sign the agreement [to reimburse Carman] that was presented to him by [Henry], [Owens] still needed to fully exhaust his administrative remedies to remain gainfully employed. If [Owens] felt that

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<sup>1</sup> Del. Code Ann. tit. 19, § 3314(1) (2005 & Supp. 2010).

<sup>2</sup> *Thompson v. Christiana Care Health Sys.*, 25 A.3d 778, 783 (Del. 2011).

the situation could not be resolved by a discussion with [Henry], [Owens] had a duty to approach the owner of the business in order to resolve the situation. Consequently . . . this tribunal must find that [Owens] voluntarily left his employment without good cause.

(5) Owens appealed the Appeals Referee's decision to the Unemployment Insurance Appeal Board ("the Board"). After a hearing before the Board, where Owens and Henry again testified, the Board issued a decision dated February 8, 2011 affirming the Appeals Referee's decision.

(6) Owens then appealed the Board's decision to the Superior Court, where the parties submitted briefs. By memorandum opinion dated January 3, 2012, the Superior Court affirmed the Board's decision. This appeal followed.

(7) "[T]he sole function of the reviewing courts on appeal from an administrative board 'is to determine whether or not there was substantial competent evidence to support the finding of the Board.'"<sup>3</sup> The credibility of witnesses, the weight to be given the testimony and any reasonable inferences, are for the Board to determine.<sup>4</sup> The Board's factual findings, if

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<sup>3</sup> *Unemployment Ins. Appeal Bd. v. Div. of Unemployment Ins.*, 803 A.2d 931, 936 (Del. 2002).

<sup>4</sup> *Clements v. Diamond State Port Corp.*, 831 A.2d 870, 878 (Del. 2003) (citing *Coleman v. Dep't of Labor*, 288 A.2d 285, 287 (Del. Super. 1972)).

supported by substantial evidence, are conclusive, and the jurisdiction of the reviewing court is confined to questions of law.<sup>5</sup>

(8) In this case, the Board decided that Owens lacked good cause for ending his employment at Carman because he failed to exhaust administrative remedies before walking off the job. After careful review of the record, including the transcripts of the hearings before the Appeals Referee and the Board, and the written decisions of the Claims Deputy, the Appeals Referee, the Board, and the Superior Court, and after careful consideration of the parties' positions, we conclude, as did the Superior Court, that the Board's decision is supported by substantial record evidence and is free from legal error.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice

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<sup>5</sup> *Unemployment Ins. Appeal Bd. v. Div. of Unemployment Ins.*, 803 A.2d at 936.