

IN THE UTAH COURT OF APPEALS

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Yaslam M. Issa,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Petitioner,	)	
	)	Case No. 20100542-CA
v.	)	
	)	
Department of Workforce	)	F I L E D
Services, Workforce Appeals	)	(December 9, 2010)
Board; and Premium Oil	)	
Company,	)	<span style="border: 1px solid black; padding: 2px;">2010 UT App 349</span>
	)	
Respondents.	)	

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Original Proceeding in this Court

Attorneys: Yaslam M. Issa, Salt Lake City, Petitioner Pro Se  
    Jaceson R. Maughan, Salt Lake City, for Respondent  
    Department of Workforce Services, Workforce Appeals  
    Board

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Before Judges McHugh, Thorne, and Voros.

PER CURIAM:

Yaslam M. Issa petitions for judicial review of the final decision of the Workforce Appeals Board (the Board). We affirm.

Issa first argues that the Board erroneously determined that he voluntarily left his employment with Premium Oil Company without good cause, thereby making him 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.'" Whitear v. Labor Comm'n, 973 P.2d 982, 984 (Utah Ct. App. 1998) (quoting Utah Code Ann. § 63-46b-16(4)(g) (1997) (current version as Utah Code Ann. § 63G-4-403(4)(g) (2008)). 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). Similarly, we defer to the Administrative Law Judge's (ALJ) determinations concerning credibility because the ALJ is in the best position to judge the credibility of the witnesses. See Questar Pipeline Co. v. Utah State Tax Comm'n, 850 P.2d 1175, 1178 (Utah 1993). Finally, when reviewing the Board's application of the operative legal provisions to the facts, "[w]e defer to the Board's interpretation and application of the operative provisions . . . so long as the Board's decision is reasonable and rational, i.e.,

the findings of fact support the Board's conclusion." Adele's Housekeeping v. Department of Emp't Sec., 757 P.2d 480, 482 (Utah Ct. App. 1988).

The Board determined that Issa had quit his employment without good cause. Voluntarily leaving employment without good cause makes a claimant ineligible for unemployment benefits. See Utah Code Ann. § 35A-4-405(1)(a) (Supp. 2010). "To establish good cause, a claimant must show that continuing employment would have caused an adverse effect which the claimant could not control or prevent. The claimant must show an immediate severance of the employment relationship was necessary." Utah Admin. Code R994-405-102. Here, the record supports the Board's findings,<sup>1</sup> and those findings, in turn, support the Board's conclusion that Issa voluntarily quit his employment without good cause. In this case, testimony was presented that Premium Oil Company received a customer complaint about Issa. Because a similar complaint had previously been lodged against Issa, his supervisor informed Issa that he would be suspended for three days while the supervisor investigated the complaint. Issa refused the suspension and informed his supervisor that he was quitting. Two days later, Issa indicated that he had changed his mind about quitting. However, his supervisor responded that she had already accepted his resignation. In the end, the factual findings of the ALJ and the Board are supported by substantial evidence, and the Board's decision that Issa voluntarily quit his employment without good cause was both reasonable and rational.

Issa also asserts that he was discriminated against because he is African-American. The Board determined that the record was devoid of any evidence to support such a claim with the exception of Issa's general testimony that his supervisor did not like "black people." Issa points to no other evidence, and the Board correctly determined that such testimony, by itself, is insufficient to demonstrate discrimination.

Affirmed.

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Carolyn B. McHugh,  
Associate Presiding Judge

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William A. Thorne Jr., Judge

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J. Frederic Voros Jr., Judge

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<sup>1</sup>The Board adopted the findings of fact made by the ALJ.