

**SUPERIOR COURT  
of the  
STATE OF DELAWARE**

**Susan C. Del Pesco**  
JUDGE

NEW CASTLE COUNTY COURTHOUSE  
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Submitted: November 24, 2004  
Decided: January 25, 2005

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Re: *Shyra L. Dennis, Appellant-Claimant Below v. Kingswood Community Center,  
Appellee-Employer Below and Unemployment Insurance Appeal Board - Civil  
Action No. 04A-03-013 SCD*

Upon appeal from the decision of the Unemployment Insurance Appeal Board denying  
certain unemployment benefits—**AFFIRMED**

Dear Counsel:

On or about November 30, 2003, Claimant Shyra L. Dennis (“Dennis”) filed a claim with the Department of Labor, Division of Unemployment Insurance, seeking unemployment compensation benefits pursuant to 19 *Del. C.* § 3301 *et seq.* On December 11, 2003, a Claims Deputy determined Dennis was disqualified from the

receipt of benefits. On December 19, 2003, Dennis appealed the Claims Deputy's determination.

A hearing was held before a Referee on January 8, 2004. The Referee found that Dennis voluntarily quit her employment without good cause and was disqualified for receipt of unemployment compensation benefits.

On January 16, 2004, Dennis appealed the Referee's decision to the Unemployment Insurance Appeal Board ("Board"). The Board held a hearing on February 11, 2004. During the hearing, Dennis again testified that she voluntarily quit. Dennis further admitted that Kingswood has an appeal process for employee grievances and that she quit prior to pursuing the employee grievance appeal process. The Board affirmed the Referee's decision finding that by failing to exhaust her administrative remedies, Dennis had voluntarily quit without good cause.

On March 29, 2004, Dennis filed this appeal. Dennis filed a document entitled "Opening Brief" on July 13, 2004. Kingswood filed a response August 4, 2004. No reply brief has been filed.

This Court has limited appellate review of a decision from an administrative agency. On appeal, this Court determines whether the agency's decision is supported by substantial evidence and is free from legal error.<sup>1</sup> Substantial evidence is such relevant evidence that a reasonable mind would accept it as adequate to support a conclusion.<sup>2</sup>

This Court does not act as the trier of fact nor does it have authority to weigh the

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<sup>1</sup>*Devine v. Advanced Power Control, Inc.*, 663 A.2d 1205, 1209 (Del. Super. 1995) (citing *General Motors Corp. v. Freeman*, 164 A.2d 686, 688 (Del. 1960); *Johnson v. Chrysler Corp.*, 213 A.2d 64, 66 (Del. 1965); *General Motors Corp. v. Jarrell*, 493 A.2d 978, 980 (Del. Super. 1985)).

evidence, weigh issues of credibility, or make factual conclusions.<sup>3</sup> Therefore, given an agency's specialized competence, this Court merely reviews whether the findings made by that agency are adequately supported by the evidence.<sup>4</sup>

I find there is sufficient evidence in the record to support the Board's finding that Dennis voluntarily left her work without good cause attributable to the work.<sup>5</sup> The Board's Decision is supported by substantial evidence, the testimony of the claimant herself. The Decision of the Board is AFFIRMED.

IT IS SO ORDERED.

Very truly yours,

Susan C. Del Pesco

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<sup>2</sup> *Oceanport Ind. v. Wilmington Stevedores*, 636 A.2d 892, 899 (Del. 1994); *Battista v. Chrysler Corp.*, 517 A.2d 295, 297 (Del. Super. 1986).

<sup>3</sup> *Johnson*, 213 A.2d at 66.

<sup>4</sup> DEL. CODE ANN. Tit. 29 §10142(d) (1997).

<sup>5</sup> Good cause has been defined as "such cause as would justify one in voluntarily leaving the ranks of the employed. . . ." *O'Neal's Bus Service, Inc. v. Employment Security Com'n*, 269 A.2d 247, 249 (Del. Super. 1970)(internal citation omitted).