

SUPREME COURT OF MISSISSIPPI

Broome v. Mississippi Employment Security Commission and Mississippi College

921 So. 2d 334 (Miss. 2006) · No. 2004-CT-00522-SCT · Decided January 19, 2006

SUMMARY

The Supreme Court of Mississippi held that Joe Broome was disqualified from receiving unemployment benefits because his repeated absenteeism, deceptive explanations for absences, and disruptive conduct constituted misconduct. The court concluded that substantial evidence supported the Mississippi Employment Security Commission's decision and that the Court of Appeals improperly reweighed the evidence. The judgment of the Court of Appeals was reversed, and the Hinds County Circuit Court's judgment affirming the agency decision was reinstated.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Smith, Chief Justice, for the Court; Waller, P.J.; Cobb, P.J.; Easley, J.; Carlson, J.; Dickinson, J.; Randolph, J.; Graves, J.; Diaz, J.
JURISDICTION	Mississippi
DECIDED	January 19, 2006
DOCKET	2004-CT-00522-SCT
DISPOSITION	reversed
PROCEDURAL POSTURE	Mississippi College petitioned for certiorari after the Court of Appeals reversed the denial of Joe Broome's unemployment benefits. The Supreme Court granted certiorari and reviewed whether the circuit court properly affirmed the Mississippi Employment Security Commission's denial of benefits based on misconduct.
STANDARD OF REVIEW	Under Mississippi Code Annotated section 71-5-531, the Board of Review's factual findings are conclusive if supported by substantial evidence and absent fraud, while judicial review is limited to questions of law. An appellate court may not reweigh the evidence or substitute its judgment for that of the agency.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Mississippi College v. Joe Broome

TOPICS

unemployment benefits

administrative law

judicial review of agency action

standard of review

appellate procedure

PRACTICE AREAS

Employment law

Unemployment benefits

Administrative law

Appellate procedure

QUESTIONS PRESENTED

1. Whether substantial evidence supported the Mississippi Employment Security Commission's denial of unemployment benefits on the ground that Broome was discharged for misconduct.
2. Whether the Court of Appeals improperly reweighed the evidence and substituted its judgment for that of the Mississippi Employment Security Commission.

HOLDINGS

1. Broome's pattern of excessive absences, disruptive conduct, deception concerning the reasons for his absences, and disregard of his employer's attendance requirements constituted misconduct and substantially disregarded Mississippi College's legitimate interests; therefore, he was not entitled to unemployment compensation benefits.
2. The Court of Appeals improperly reweighed the evidence and substituted its judgment for that of the Mississippi Employment Security Commission; under the substantial-evidence standard, it lacked authority to reevaluate the relative weight of the parties' proof.

KEY QUOTATIONS

“conduct evincing such willful and wanton disregard of the employer's interest as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect from his employee.” (921 So. 2d at 338)

“This Court must not reweigh the facts of the case or insert its judgment for that of the agency.” (921 So. 2d at 338)

“We hold that the Court of Appeals improperly reweighed the evidence and substituted its judgement for that of the MESOC in this matter.” (921 So. 2d at 339)

FACTUAL BACKGROUND

Broome, a Mississippi College employee, had a documented pattern of excessive absenteeism, tardiness, disruptive conduct, and prior warnings requiring him to notify his supervisor and provide reasons for absences. While incarcerated on armed-robbery and firearm charges, he arranged for his girlfriend to notify Mississippi College of his absences, but she falsely reported that his mother was ill. Mississippi College terminated his employment, and the unemployment authorities determined that his repeated attendance problems, deception, and related conduct constituted misconduct.

PROCEDURAL HISTORY

Broome's application for unemployment benefits was denied because his discharge was attributed to misconduct. An appeals referee and the Board of Review affirmed the denial. The Hinds County Circuit Court affirmed the Board's decision, but the Court of Appeals reversed and rendered judgment for Broome. The Supreme Court of Mississippi reversed the Court of Appeals and reinstated and affirmed the circuit court's judgment.

DISPOSITION

reversed

CASES CITED

- Richardson v. Mississippi Employment Security Commission, 593 So. 2d 31, 34 (Miss. 1992)
- Ray v. Bivens, 562 So. 2d 119, 121 (Miss. 1990)
- Piggly Wiggly v. Mississippi Employment Security Commission, 465 So. 2d 1062, 1065 (Miss. 1985)
- Wheeler v. Arriola, 408 So. 2d 1381, 1383 (Miss. 1982)
- Hoerner Boxes, Inc. v. Mississippi Employment Security Commission, 693 So. 2d 1343, 1347 (Miss. 1997)
- Melody Manor, Inc. v. McLeod, 511 So. 2d 1383, 1385 (Miss. 1987)
- Allen v. Mississippi Employment Security Commission, 639 So. 2d 904, 906 (Miss. 1994)
- Mississippi Public Service Commission v. Merchants Truck Line, Inc., 598 So. 2d 778, 782 (Miss. 1992)
- Mississippi Employment Security Commission v. Gaines, 580 So. 2d 1230, 1234 (Miss. 1991)
- Mississippi Employment Security Commission v. Fortenberry, 193 So. 2d 142, 144 (Miss. 1966)
- Mississippi Employment Security Commission v. Phillips, 562 So. 2d 115, 118 (Miss. 1990)
- Barnett v. Mississippi Employment Security Commission, 583 So. 2d 193, 196 (Miss. 1991)
- Mississippi Employment Security Commission v. Borden, 451 So. 2d 222, 224 (Miss. 1984)
- Trading Post, Inc. v. Nunnery, 731 So. 2d 1198, 1200 (Miss. 1999)
- Broome v. Mississippi Employment Security Commission, 921 So. 2d 360, 362, 364-66 (Miss. Ct. App. 2005)
- Mississippi Commission on Environmental Quality v. Chickasaw County Board of Supervisors, 621 So. 2d 1211, 1216 (Miss. 1993)