

SUPREME COURT OF WYOMING

Zack D. Koch v. Department of Employment, Unemployment Insurance Commission

2013 WY 12 (2013) · No. S-12-0123 · Decided January 31, 2013

SUMMARY

The Wyoming Supreme Court reviewed the denial of unemployment benefits to Zack D. Koch after his termination for failing to shovel snow as part of his employment duties. The court held that the Unemployment Insurance Commission acted within its statutory authority when it independently reviewed the evidence and reversed the hearing examiner's decision. The court also held that substantial evidence supported the Commission's finding that Koch engaged in misconduct and affirmed the decision.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Voigt, Justice; Kite, Chief Justice; Golden, Justice; Hill, Justice; Burke, Justice
JURISDICTION	Wyoming
DECIDED	January 31, 2013
DOCKET	S-12-0123
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the district court's affirmance of the Unemployment Insurance Commission's decision denying the appellant unemployment benefits after finding that he was discharged for misconduct.
STANDARD OF REVIEW	Questions concerning the Commission's statutory authority and compliance with required procedure are reviewed de novo. The Commission's final decision is reviewed directly, without deference to the district court. For substantial-evidence review, the court considers whether relevant evidence in the entire record could support the agency's conclusions; when the burdened party failed before the agency, the court asks whether the agency's rejection of that party's evidence was contrary to the overwhelming weight of the record.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Wyoming

PARTIES

Zack D. Koch v. Department of Employment, Unemployment Insurance Commission

TOPICS

unemployment benefits

administrative law

appellate procedure

standard of review

evidence

PRACTICE AREAS

Employment law

Administrative law

Unemployment benefits

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Evidence

QUESTIONS PRESENTED

1. Whether the Unemployment Insurance Commission acted within its statutory authority when it reviewed the evidence presented to the hearing examiner and reversed the hearing examiner's decision granting unemployment benefits.
2. Whether the Commission's determination that Koch engaged in misconduct and was therefore disqualified from receiving unemployment benefits was supported by substantial evidence.

HOLDINGS

1. The Commission acted within its statutory authority because Wyoming law permits it to review the evidence submitted before the appeal tribunal and to affirm, modify, or reverse the appeal tribunal's findings and conclusions. The Commission was not limited to an appellate-style substantial-evidence review of the hearing examiner's decision.
2. The Commission's determination that Koch was discharged for misconduct and was disqualified from receiving unemployment benefits was supported by substantial evidence.

KEY QUOTATIONS

“The unambiguous language of this statute “allows the Commission to look at the same evidence and come to a conclusion different than that of the [hearing examiner].”” (¶ 12)

“The Commission’s final decision is the decision to be reviewed by the district court under W.R.A.P. 12, not those decisions which were made at intermediate stages in the process.” (¶ 15)

“We conclude that the Commission’s decision that the appellant engaged in misconduct by not shoveling snow is a reasonable decision based upon the evidence that was before it.” (¶ 24)

FACTUAL BACKGROUND

Zack D. Koch was terminated from his employment with HIS-Garden Inn Laramie, Inc. on December 10, 2009. His employer alleged that he committed misconduct by failing to shovel snow, while Koch claimed that he had shoveled the snow and was fired in retaliation for a prior complaint. The Commission credited the employer's witnesses, found that snow removal was an assigned duty that Koch knew he was required to perform, and found that he admitted he had not removed the snow during the relevant shift.

PROCEDURAL HISTORY

The appellant was initially granted unemployment benefits by the Department's deputy. After a contested case hearing, an appeal tribunal hearing examiner affirmed the benefits determination. The Unemployment Insurance Commission reversed, finding misconduct and denying benefits. The district court initially reversed and remanded because the appellant's attorney was not notified of the Commission's meeting; after the Commission reconsidered the matter with the appellant and counsel present, the district court affirmed the Commission's decision. The Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Dale v. S & S Builders, LLC, 2008 WY 84, 188 P.3d 554 (Wyo. 2008)
- City of Casper v. Wyoming Department of Employment, Unemployment Insurance Division, 851 P.2d 1 (Wyo. 1993)
- Wyoming Department of Employment, Division of Unemployment Insurance v. Rissler & McMurry Co., 837 P.2d 686 (Wyo. 1992)
- Weidner v. Life Care Centers of America, 893 P.2d 706 (Wyo. 1995)
- Newman v. State ex rel. Wyoming Workers' Safety & Compensation Division, 2002 WY 91, 49 P.3d 163 (Wyo. 2002)