

SUPREME COURT OF IDAHO

Barr v. Citicorp Credit Service, Inc. USA

161 Idaho 136 (2016) · No. 43122 · Decided November 2, 2016

SUMMARY

The Idaho Supreme Court affirmed the Idaho Industrial Commission's determination that Jessica E. Barr was discharged for misconduct connected with her employment and was therefore ineligible for unemployment benefits. The court held that testimony from the employer's representatives constituted substantial and competent evidence supporting the Commission's findings and declined to reweigh the evidence.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Horton, Justice; J. Jones, Chief Justice; Eismann, Justice; Burdick, Justice; W. Jones, Justice
JURISDICTION	Idaho
DECIDED	November 2, 2016
DOCKET	43122
DISPOSITION	affirmed
PROCEDURAL POSTURE	Barr appealed the Idaho Industrial Commission's decision finding her ineligible for unemployment benefits because she was discharged for misconduct in connection with her employment.
STANDARD OF REVIEW	The Court freely reviews questions of law, but reviews factual questions only to determine whether the Industrial Commission's findings are supported by substantial and competent evidence. The Court does not reweigh evidence, redetermine credibility, or consider whether it would have reached a different conclusion, and views facts and inferences in the light most favorable to the party prevailing before the Commission.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jessica E. Barr v. Citicorp Credit Service, Inc. USA, Idaho Department of Labor

TOPICS

unemployment benefits

judicial review of agency action

standard of review

administrative law

appellate procedure

PRACTICE AREAS

employment law

administrative law

unemployment benefits

QUESTIONS PRESENTED

1. Whether the Industrial Commission properly found that Citicorp discharged Barr for misconduct in connection with her employment, rendering her ineligible for unemployment benefits under Idaho Code section 72-1366(5).
2. Whether the Commission impermissibly relied on testimony from Citicorp representatives when documentary evidence, including emails, coaching notes, and the relevant policy, was not submitted.

HOLDINGS

1. The testimony of Citicorp representatives constituted substantial and competent evidence supporting the Commission's finding that Barr was discharged for misconduct in connection with her employment.
2. Barr was ineligible for unemployment benefits because Citicorp discharged her for misconduct in connection with her employment under Idaho Code section 72-1366(5).
3. A general attack on the Commission's findings and conclusions, without specific identification of evidentiary or legal error and supporting authority, is insufficient to preserve an issue for appellate review.

KEY QUOTATIONS

“When this Court reviews a decision from the Industrial Commission, we exercise free review over questions of law, but review questions of fact only to determine whether the Commission’s findings are supported by substantial and competent evidence.” (161 Idaho at 137)

“Substantial and competent evidence is relevant evidence that a reasonable mind might accept to support a conclusion.” (161 Idaho at 137)

“The testimony provided by Downey and Endicott constituted substantial and competent evidence for the Commission’s decision. Therefore, we must affirm its decision.” (161 Idaho at 139)

FACTUAL BACKGROUND

Barr worked for Citicorp as a customer service representative and repeatedly requested voluntary time off directly from the workforce management group, despite instructions to use Citicorp's electronic scheduling planner. She received repeated coaching and a final warning, but continued contacting the workforce management group. After Citicorp learned of another violation, Barr was suspended and terminated; she later told a manager that calling the group was "like an addiction."

PROCEDURAL HISTORY

The Idaho Department of Labor initially granted Barr unemployment benefits. After Citicorp appealed, an Appeals Examiner held a telephonic hearing and reversed the initial determination, finding Barr ineligible because of misconduct. Barr appealed to the Industrial Commission, which conducted a de novo review and affirmed. The Idaho Supreme Court affirmed the Commission's decision.

DISPOSITION

affirmed

CASES CITED

- Bell v. Idaho Department of Labor, 157 Idaho 744, 746-47, 339 P.3d 1148, 1150-51 (2014)
- Uhl v. Ballard Medical Products, Inc., 138 Idaho 653, 657, 67 P.3d 1265, 1269 (2003)
- Huguen v. Highland Estates, 137 Idaho 349, 351, 48 P.3d 1238, 1240 (2002)
- Neihart v. Universal Joint Auto Parts, Inc., 141 Idaho 801, 802-03, 118 P.3d 133, 134-35 (2005)
- Twin Falls County v. Coates, 139 Idaho 442, 445, 80 P.3d 1043, 1046 (2003)
- Bach v. Bagley, 148 Idaho 784, 790, 229 P.3d 1146, 1152 (2010)
- Henderson v. Eclipse Traffic Control & Flagging, Inc., 147 Idaho 628, 631, 213 P.3d 718, 721 (2009)
- Bullard v. Sun Valley Aviation, Inc., 128 Idaho 430, 432, 914 P.2d 564, 566 (1996)
- Adams v. Aspen Water, Inc., 150 Idaho 408, 412-13, 247 P.3d 635, 639-40 (2011)
- Serrano v. Four Seasons Framing, 157 Idaho 309, 317, 336 P.3d 242, 250 (2014)
- Henderson v. McCain Foods, Inc., 142 Idaho 559, 565, 130 P.3d 1097, 1103 (2006)
- Gerdon v. Con Paulos, Inc., 160 Idaho 335, 337, 372 P.3d 390, 392 (2016)
- Teffer v. Twin Falls School District No. 411, 102 Idaho 439, 439, 631 P.2d 610, 610 (1981)