

1981

Doyle Max Wilson v. The Industrial Commission of Utah Dept. of Employment Security : Brief of Appellant Doyle Max Wilson

Utah Supreme Court

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IN THE SUPREME COURT
OF THE STATE OF UTAH

DOYLE MAX WILSON
PLAINTIFF-
APPELLANT,

-VS-

CASE NO. 17596

INDUSTRIAL COMMISSION
OF UTAH DEPARTMENT OF
EMPLOYMENT SECURITY
DEFENDANT-
CORPORATE,

Brief of Appellant
Doyle Max Wilson

APPEAL FROM A JUDGMENT OF THE
BOARD OF REVIEW STATE OF UTAH

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FILED

MAY 26 1981

IN THE SUPREME COURT
OF THE STATE OF UTAH

DOYLE MAX WILSON
Plaintiff,
Appellant,

-VS-

THE INDUSTRIAL COMMISSION
OF UTAH DEPT. OF EMPLOYMENT
SECURITY

Defendants-
Respondents,

CASE NO. 17596

Brief of Appellant
DOYLE MAX WILSON

STATEMENT OF THE NATURE OF THE CASE

This is an action wherein Doyle Max Wilson Appellant is seeking a reversal of a Judgement of the Board of Review of the State of Utah.. The board ~~of~~ of Review in this case has made a broad and vague misintipitation of section 35-4-5(a) of the Utah Employment Security act and denied Plaintiff of his first constintinal right of freedom of religion, without harressment or condemnation by thier broad misintipitation of the section of the employment code. Thus denying Appellant his constitutional right of freedom of religion without penalty or harressment.

DISPOSITION IN THE BOARD OF REVIEW

Appellant's action was first filed on October 21, 1980, Interstate claim filed November 6, 1980 which was subsequently denied. Referee dated December 11, 1980 Notice of interstate appeal dated January 13, 1981 Petition for writ of review filed March 9, 1981 Appellant denied right of unemployment by board of review letter dated February 27, 1981 to Appellant.

RELIEF SOUGHT ON APPEAL

Plaintiff Doyle Max Wilson is requesting that the Board of review be reversed and that he be granted relief that is sought on appeal.

FACTS

The department of employment security bases its decision on ineffectual beliefs that is not supported by the section that they base their action upon. Appellant believes that religious freedom is not the same as a personal activity. Appellant contends that freedom of religion is a basic right that is guarding by our constitution so that our rights will not be abridged. This has been more recently decided on in the case of Thomas v State of Indiana board of review employment security decided by the United States Supreme Court April 6, 1981

ARGUMENT

POINT I

THE REASONING OF THE BOARD OF REVIEW EXCAPES THE PRUDENT REASONING OF AN AVERAGE MAN WHICH THE LAWS OF OUR GREAT NATION ARE BASED UPON THE CONSTITUTION WOULD BE OF LITTLE EFFECT IF IT DID NOT PRESERVE THE RIGHT OF ALL OF OUR CITIZENS TO STRENGTHEN AND PROTECT EACH AND EVERY CITIZEN.

It should be borne in mind that petitioner is unskilled in the art of which the board of review has the ability of our elected attorney general to advise them on. I contend that the board of review action was based not on factual matter but upon their own beliefs and not upon the wording of the section used to deny plaintiff his constitutional right of freedom of religion without harassment or hardship because of his beliefs. In *Sherbert v Verner* (1963) 374 U.S. 398, 83 S.Ct 1790, 10 L.ed.2d 965 held the disqualifying statute to be unconstitutional as casting an impermissible burden upon Wilson's First amendment right guarantee to the free exercise of my religion in *Licola v True* (W. D. Ky. 1975) 408 F. Supp 22 Also in *Bureau of Motor Vehicles v. Pentecostal House of Prayer, Inc.*, (1978) Ind., 380 N.E.2d 1225, in which the Indiana Supreme Court found Ind. Code 9--1-4-37(b) (Burns Supp. 1977) to be an unconstitutional infringement of the free exercise clause of the First amendment of the United States Constitution.

CONCLUSION

The decision reached by the Employment security Board of Review is in direct contradiction to the first amendment to the United States constitution, and is an infringement on my freedom of religion and exercise. We must be very careful to make sure that all rights of all citizens are upheld and not abused as that is what our great country is founded upon is our great freedom to follow our religious and own beliefs without interference.

For the reasons stated herein, Appellant respectfully request that the judgement of the Board of review be reversed.

DATED this 27nd day of May, 1981

DOYLE MAX WILSON

Doyle Max Wilson

DOYLE MAX WILSON PRO SE

page 3

TABLE OF CONTENTS

	<u>PAGE</u>
STATEMENT OF NATURE OF THE CASE	I
DISPOSITION IN THE COURT BELOW.....	2
RELIEF SOUGHT ON APPEAL.....	3
FACTS.....	2
ARGUMENT	
POINT I	
THE PROVISION IN QUESTION CONSTITUTES AN INFRINGEMENT ON MY CONSTITUTIONAL RIGHT OF EXERCISE OF FREEDOM OF RELIGION..	
CONCLUSION.....	3

CASES CITED

	<u>PAGE</u>
<u>THOMAS-V REVIEW BOARD OF INDIANA EMPLOYMENT SECURITY</u> 391 north eastern reporter, 2d series 1127	2
<u>SHERBERT V VERNER (1963)</u> 374 u.s. 398, 83 S.Ct 1790, 10 L.ed., 2d 965	2
<u>LICOLN V TRUE</u> (W.D. Ky.. 1975) 408 F. Supp 22	2
<u>BUREAU OF MOTER VEHICLES V PENTECOSTAL HOUSE OF PRAYER, INC.,</u> (1978) Ind., 380 N.E. 2d 1225	2

CERTIFICATE OF MAILING

I hereby certify that ii- eleven true and correct copies of the foregoing BRIEF were mailed, postage prepaid this 22nd day of May, 1981 to the following:

CLERK OF THE COURT
UTAH SUPREME COURT
STATE OF UTAH
STATE CAPITOL BLDG.
84114

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Dayle May Wilson