

1995

Reese W. Griffiths v. Board Review of the Industrial Commision of Utah : Unknown

Utah Court of Appeals

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Reese W. Griffiths; Claimant -Petitioner, Pro Se.

Emma R. Thomas; K. Allan Zabel; Attorneys for Respondent.

Recommended Citation

Legal Brief, *Griffiths v. Board Review of the Industrial Commision of Utah*, No. 950782 (Utah Court of Appeals, 1995).
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UTAH COURT OF
APPEALS

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DOCKET NO.

950782-CA

IN THE COURT OF APPEALS OF THE STATE OF UTAH

REESE W. GRIFFITHS

vs.

BOARD OF REVIEW

Case No. 950782-CA

FILED

1996

COURT OF APPEALS

REESE W. GRIFFITHS
CLAIMANT PETITIONER, PRO SE
P O BOX 87
MINERSVILLE, UT 84752

IN THE UTAH COURT OF APPEALS

REESE W. GRIFFITHS,	:	
	:	
Petitioner,	:	
	:	
vs..	:	
	:	PETITIONER BRIEF
BOARD OF REVIEW OF THE INDUSTRIAL	:	Case No. 950782-CA
COMMISSION OF UTAH, DEPARTMENT	:	
EMPLOYMENT SECURITY, AND	:	
RICHARDSON CONSTRUCTION	:	
	:	
Respondents,	:	
	:	

TO THE UTAH COURT OF APPEALS AND THE HONORABLE JUDGES THEREOF:

Claimant-Petitioner. Reese W. Griffiths, petitions for review:

1. The decision of the Board of Review, issued and mailed November 9, 1995, was based on limited and bias evidence as Richardson Construction had direct contact with the Board of Review, Claimant was not a participant.

2. In light of the whole record the decision of the Board of Review improperly denied unemployment insurance benefits to Claimant Reese W. Griffiths pursuant to 35-4-405(1), Utah Code Annotated. Claimant never quit his employment with Richardson Construction. Claimant accepted work for them anywhere, anyplace, anytime. Claimant refused no work.

3. The decisions of the Board of Review go counter to all previous decisions where Claimant was allowed more input.

Claimant had less than full time work, for employer Richardson Construction, while living in Salt Lake City. This work slow down began in Nov., 1994. Lack of full time work led to Claimants housing arrangements being terminated.

Claimant notified Richardson Construction of this change, and made arrangements with employer to accept any work they had for him. Claimant traveled from a new address in Minersville, Ut to work assignments. Claimant refused no offer of work, claimed no benefits, and sought no new employment at this time.

Claimant provided Richardson Construction with his new address and telephone number where he could be reached at all times. Claimant contacted this employer many times following move.

Between the time period of Jan. 3, 1995 following move, until April 8, 1995 the Claimant earned \$4,632.84. Part of these earnings were earned by traveling to other states paying per diem, part of these earnings were earned in the SaltLake area not paying per diem.

Following this period of employment Claimant was informed that the J.B. project the employer had expected had not materialized as Richardson Construction had expected. This meant employer would have less work than they had been expecting. When Claimant found this out he started seeking other employment. At the end of May, 1995 Claimant filed for unemployment benefits.

Claimant feels employer is somewhat responsible in offering employment it has available. Claimant remaind in contact with this employer, and provided employer a means of contact. Claimant feels employer could have contacted him directly or through the Department of employment security following claim.

Claimant had a good relationship with Richardson Construction prior to filing for unemployment benefits. Claimant expected his employer to offer him, any work it had for him. Following move, Claimant had worked in the Salt Lake area and accepted out of state work employer had for him.

Claimant had no income from any source between 4/8/95 and June, 1995. Following move Claimant had his pay checks mailed to him in Minersville. Claimant wanted work, and had been promised work from other employers by the time of the Sept. 7, 1995 hearing. Claimant accepted this work and claimed no further benefits even though decision favored him.

Claimant does not understand why the Board of Review has jurisdiction while ALJ did not. If the Nov. 9, 1995 decision is presently upheld this means:

1. The Claimant is \$3542 in debt to the Department of Employment Security.
2. All the time and money spent complying with the Department of Employment Security is lost.
3. All the time and money spent since this greivous decision is lost. In excess of 100 hours.
4. Employer is releaved of all responsibility if it uses the proper excuses for not offereing employment.

Claimant accepted all work offered by this employer anytime, anywhere, anyplace. All Claimant wanted was work producing the highest possible earnings he could find. Claimant did not have full time employment at time of move. Claimant never "QUIT".

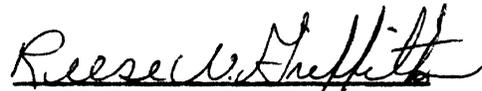
CERTIFICATE OF MAILING

SERVED by mailing, postage prepaid to the following on this 24th
day of March, 1998 two copies to:

EMMA R. THOMAS #4681

K. ALLAN ZABEL #3598

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REESE W. GRIFFITHS