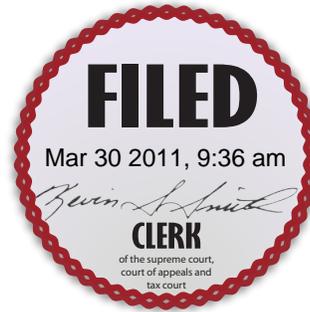


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

D.J.,)
)
Appellant,)
)
vs.) No. 93A02-1006-EX-683
)
REVIEW BOARD OF THE INDIANA)
DEPARTMENT OF WORKFORCE)
DEVELOPMENT and CITY OF R.,)
)
Appellees.)

APPEAL FROM REVIEW BOARD OF THE
INDIANA DEPARTMENT OF WORKFORCE DEVELOPMENT
Case No. 10-R-02335

March 30, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

D.J. appeals the decision of the Review Board of the Indiana Department of Workforce Development (“Review Board”) in favor of the City of R. (“the City”) on D.J.’s claim for unemployment insurance benefits. Because of D.J.’s numerous and substantial violations of the Indiana Rules of Appellate Procedure, we do not reach the merits of his appeal.

We dismiss.

FACTS AND PROCEDURAL HISTORY

D.J., a City employee, was terminated from his employment in October 2009, and he sought unemployment insurance benefits. On November 25, a claims deputy of the Indiana Department of Workforce Development determined that D.J. was not discharged for just cause and was eligible for unemployment insurance benefits. The City appealed that determination, and the administrative law judge (“ALJ”) assigned to the case scheduled a telephonic hearing. The ALJ was unable to reach D.J. by telephone after several attempts, so he proceeded with the hearing without D.J. At the conclusion of the hearing, the ALJ overturned the decision of the claims deputy and found that D.J. was discharged for just cause and was, therefore, ineligible for unemployment insurance benefits. D.J. appealed that decision, and the Review Board affirmed the ALJ’s decision denying benefits. This appeal ensued.

DISCUSSION AND DECISION

It is well settled that a litigant who chooses to proceed pro se will be held to the same rules of procedure as trained legal counsel and must be prepared to accept the

consequences of his action. Shepherd v. Truex, 819 N.E.2d 457, 463 (Ind. Ct. App. 2004). The purpose of the Appellate Rules, especially Rule 46, is to aid and expedite review, as well as to relieve the appellate court of the burden of searching the record and briefing the case. Id. We will not consider an appellant's assertion on appeal when he has failed to present cogent argument supported by authority and references to the record as required by the rules. Id. "If we were to address such arguments, we would be forced to abdicate our role as an impartial tribunal and would instead become an advocate for one of the parties." Id. "This, clearly, we cannot do." Id.

Here, D.J.'s appellate brief contains a blank page entitled "Table of Authorities." See Ind. Appellate Rule 46(A)(2). And the "Statement of Issues" does not contain any description of an issue presented for our review. Rather, in that section of the brief, D.J. sets out, without argument or context, what appear to be itemized portions of the record containing vague allegations of error. But the most egregious violations of Appellate Rule 46 occur in the sections of D.J.'s brief entitled "Summary of the Argument" and "Argument." D.J.'s "Summary of the Argument" consists of two sentences: "I feel my appeal on April 27, 2010 was not considered and I should have chance [sic] to prove their [sic] charges false. I feel the decision was based on my work performance, which I can prove was good." Brief of Appellant at 6. D.J.'s "Argument" consists of a single sentence: "I feel the court did not consider my appeal for [a] new hearing, where I could have proven most of their charges as false." Id. at 7.

Again, we will not become an advocate for D.J. on appeal. Given the lack of anything resembling argument, let alone cogent argument, we are unable to review D.J.'s

appeal. Although we prefer to dispose of cases on their merits, where an appellant fails to substantially comply with the Indiana Rules of Appellate Procedure, then dismissal of the appeal is warranted. Hughes v. King, 808 N.E.2d 146, 147 (Ind. Ct. App. 2004). In this case, where there was almost a total noncompliance with the Indiana Rules of Appellate Procedure, and where we cannot even discern the grounds alleged for appeal, we have no alternative but to dismiss D.J.'s appeal.

Dismissed.

ROBB, C.J., and CRONE, J., concur.