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APPELLANT PRO-SE:

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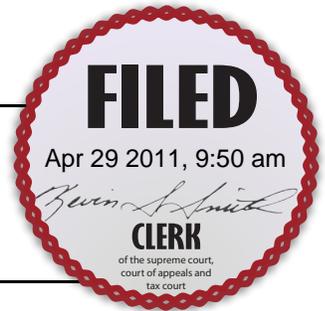
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**IN THE  
COURT OF APPEALS OF INDIANA**

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R. W., )  
)  
Appellant-Defendant, )  
)  
vs. )  
)  
REVIEW BOARD OF THE INDIANA )  
DEPARTMENT OF WORKFORCE )  
DEVELOPMENT, et al., )  
)  
Appellees-Plaintiffs. )

No. 93A02-1007-EX-802

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APPEAL FROM THE REVIEW BOARD OF WORKFORCE DEVELOPMENT  
Cause No. 10-R-03069

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**April 29, 2011**

**MEMORANDUM DECISION – NOT FOR PUBLICATION**

**BAKER, Judge**

Appellant-claimant R.W. appeals the decision of the Review Board of the Department of Workforce Development (Board) finding that R.W. was discharged by his employer for just cause. The gravamen of his argument is that there is insufficient evidence to support the Board's determination. Concluding that there is sufficient evidence to support the decision, we affirm.

### FACTS

R.W. was employed as a dock worker with Employer beginning on June 3, 2008. Employer had a rule that prohibited loading hazardous materials with food. According to the Employer's Human Resources Manager, violations of the rule could cause the company to lose the certification allowing them to transport hazardous materials, which is a large portion of the Employer's business. According to the Employer's Human Resources Administrator, both dock workers and supervisors have been immediately terminated when they failed to follow this rule.

R.W. admitted that he understood the rule and violated it one day when he was apparently distracted by a personal situation. The Employer terminated R.W. for the violation, and R.W. applied for unemployment benefits. A claims deputy of the Department of Workforce Development determined that R.W. was discharged for just cause and denied him benefits. R.W. appealed the determination, and an Administrative Law Judge (ALJ) affirmed the claims deputy. R.W. filed an appeal with the Board, which affirmed the decision of the ALJ and denied R.W. unemployment benefits. R.W. appeals.

## DISCUSSION AND DECISION

At the outset we note that it appears from the argument in R.W.'s appellate brief that he is not familiar with the process of determining eligibility for unemployment benefits. However, pro se appellants, such as R.W., are held to the same standard as trained counsel. See Evans v. State, 809 N.E.2d 338, 344 (Ind. Ct. App. 2004). One of the risks that a defendant takes when he decides to proceed pro se is that he will not know how to accomplish all of the things that an attorney would know how to accomplish. Hill v. State, 773 N.E.2d 336, 346 (Ind. Ct. App. 2002). This court will not become an advocate for a party, nor will we address arguments which are either inappropriate, too poorly developed or improperly expressed to be understood. Terpstra v. Farmers & Merchants Bank, 483 N.E.2d 749, 754 (Ind. Ct. App. 1985). Rather, in Review Board cases, we are limited to a two-part inquiry into the sufficiency of the facts found to sustain the findings of fact. Spieker v. Review Bd. of the Ind. Dep't of Workforce Dev. et al., 925 N.E.2d 376, 378 (Ind. Ct. App. 2010). We will reverse the Board's decision only if there is no substantial evidence to support its findings. Id. In conducting our analysis, we neither reweigh the evidence nor assess witness credibility. Id.

We now turn to the merits of the appeal. An unemployment claimant is ineligible for unemployment benefits if he was discharged for just cause. Id. Just cause includes discharge for a knowing violation of an employer's reasonable and uniformly enforced rule. See Ind. Code § 22-4-15-1(d)(2). The employer bears the burden of establishing a prima facie showing of just cause for termination. Spieker, 925 N.E.2d at 378. Once that

burden is met, the burden shifts to the employee to introduce competent evidence to rebut the employer's case. Id.

Here, the Employer presented evidence that R.W. was discharged for loading hazardous materials with food in violation of the Employer's rule prohibiting such loading. Tr. p. 5. The Employer also presented evidence that its rule was reasonable and uniformly enforced. Id. at 9, 20. The burden then shifted to R.W. to introduce evidence to rebut the Employer's case. However, the only evidence R.W. introduced was his testimony that he was aware of the rule and broke it because he was distracted by personal issues, such as his aunt dying and his son receiving life in prison for committing a crime. Tr. p. 24, 26, Ex. p. 2. R.W. asked the Employer, and the Review Board, to give him another chance. Ex. p. 2.

Given the evidence establishing that the Employer's rule was reasonable and uniformly enforced, as well as R.W.'s lack of evidence to rebut the Employer's case, we find that the Board did not err in affirming the ALJ's determination.

The judgment of the Board is affirmed.

MAY, J., and BRADFORD, J., concur.