



1. Appellee Stanley Steemer terminated Appellant Francisco Delacruz' Employment on December 15, 2010. On January 5, 2011, the Claims Deputy denied Delacruz' application for unemployment benefits. Following a hearing on March 21, 2011, an Appeals Referred reversed the Claims Deputy, finding that Delacruz was discharged from his work without just cause.

2. Stanley Steemer appealed to the Unemployment Insurance Appeal Board ("UIAB"). By final decision dated July 3, 2011, the UIAB reversed the Referee's decision, and ruled that Delacruz was disqualified from receiving unemployment benefits. The UIAB based its conclusion on a finding that Delacruz was discharged from work with just cause. The UIAB considered the testimony of Delacruz and a representative of Stanley Steemer. The UIAB found that Stanley Steemer had in place a policy requiring Delacruz to check the oil in the company vehicle each day, prior to use. Delacruz admitted he was familiar with the policy and failed to check the oil on the day in question. It is undisputed that the vehicle was seriously damaged because of insufficient oil in the engine.

3. Delacruz' *pro se* "Opening Brief" on appeal to this Court states in its entirety:

The decision of the U.I.A.B. should be change, because of the facts that were stated by my manager that I was a good employee and was never written up or suspended

for any reason in the 5-1/2 years I was working there. Also that I checked my truck prior to it going to the mechanic for several days prior to it completely broken down. Also stating that my manager gave me the ok to take the truck out. And if it was such a policy about checking oil in the trucks there were 3 other people that blown engines that year and was never terminated. Those 3 people still work there.

4. On appeal from the UIAB, the Superior Court must determine if the Board's factual findings are supported by substantial evidence in the record and free from legal error.<sup>1</sup> Substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."<sup>2</sup> The Court must review the record to determine if the evidence is legally adequate to support the Board's factual findings.<sup>3</sup> The Court does not "weigh evidence, determine questions of credibility or make its own factual findings."<sup>4</sup> If the record lacks satisfactory proof in support of the Board's finding or decision, the Court may overturn the Board's decision.<sup>5</sup> On appeal, the Superior Court reviews legal issues

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<sup>1</sup> *Unemployment Ins. Appeal Bd. v. Duncan*, 621 A.2d 340, 342 (Del. 1993).

<sup>2</sup> *Histed v. E.I. duPont de Nemours & Co.*, 621 A.2d 340, 342 (Del. 1981) (citing *Olney v. Cooch*, 425 A.2d 610, 614 (1981)).

<sup>3</sup> *Johnson v. Chrysler Corp.*, 213 A.2d 64, 66 (Del. 1965).

<sup>4</sup> *Id.* at 67.

<sup>5</sup> *Id.* at 66-67.

*de novo*.<sup>6</sup>

5. The Court finds that the UIAB's factual findings are supported by substantial evidence in the record and are free from legal error. Delacruz acted in violation of an acknowledged policy of his employer and, as a result, was terminated for just cause.

**THEREFORE**, the decision of the Unemployment Insurance Appeal Board is hereby **AFFIRMED**.

**IT IS SO ORDERED.**

*/s/ Mary M. Johnston*  
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The Honorable Mary M. Johnston

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<sup>6</sup> *Person-Gaines v. Pepco Holdings, Inc.*, 981 A.2d 1159, 1161 (Del 2009).