

Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2006-100

OCTOBER TERM, 2006

Joseph Mahr	}	APPEALED FROM:
	}	
v.	}	Employment Security Board
	}	
American Flatbread, LLC and	}	
Department of Labor	}	DOCKET NO. 12-05-045-01

In the above-entitled cause, the Clerk will enter:

Claimant appeals pro se from the Employment Security Board=s decision that he was ineligible for unemployment compensation benefits. He argues that he should receive benefits because he had to relocate for personal reasons and had no choice but to resign from his employment. We affirm.

Claimant was employed at American Flatbread, LLC, in Middlebury, Vermont for approximately six months. Claimant resigned in November 2005 because he was moving with his civil partner to Barre, Vermont, to address a family emergency. He and his partner could not afford to maintain two households, and claimant

did not have reliable transportation from Barre to Middlebury. Shortly thereafter, claimant filed a claim for unemployment benefits. A claims adjudicator found that claimant left the employ of his last employing unit voluntarily and without good cause attributable to the employing unit. Accordingly, in accordance with 21 V.S.A. ' 1344(a)(2)(A), claimant=s request for benefits was denied. An administrative law judge upheld this determination, as did the Employment Security Board. This appeal followed.

On appeal, claimant explains that he left his employment because he suddenly and unexpectedly needed to relocate to Barre. He states that he could not afford to maintain two households, and that commuting between Barre and Middlebury was not feasible. Thus, he asserts that he had no choice but to stop working at American Flatbread.

While we are sympathetic to claimant=s situation, the law is clear that an individual is disqualified from benefits where he Aleft the employ of his last employing unit voluntarily without good cause attributable to such employing unit.@ 21 V.S.A. ' 1344(a)(2)(A). As claimant acknowledges, he voluntarily stopped working at American Flatbread because he relocated to Barre. There is no evidence, nor argument, that American Flatbread was in any way responsible for claimant=s decision. Thus, the Board properly concluded that claimant left his employment without good cause attributable to his employer, and we uphold its decision that claimant was ineligible for benefits. See Trombley v. Dep=t of Employment & Training, 146 Vt. 332, 334 (1985) (on review, Supreme Court will uphold the Board=s decision unless it can be demonstrated that its findings and conclusions are erroneous).

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

John A. Dooley, Associate Justice

Marilyn S. Skoglund, Associate Justice