

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

ENTRY ORDER

SUPREME COURT DOCKET NO. 2004-218

AUGUST TERM, 2004

	}	APPEALED FROM:
	}	
Mary Ann Valla	}	Employment Security Board
	}	
v.	}	
	}	DOCKET NO. 12-03-168-06-E
Department of Employment and	}	
Training	}	
	}	
	}	

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

Claimant Mary Ann Valla appeals from an Employment Security Board decision denying her claim for unemployment benefits. We affirm.

As found by the appeals referee and adopted by the Board, the facts may be summarized as follows. Claimant was employed by Price Chopper for a period of about eighteen months. In March 2003, claimant approached a supervisor in an agitated state and alleged that customers and management were threatening her life. Two days later, she received a written warning for disruptive behavior and was informed that any similar future incidents would result in her termination. Claimant requested and was granted one month off from work. Upon her return, she was again informed that any similar incident would result in her termination.

On October 13, 2003, several customers complained about claimant' s behavior, including complaints that she was throwing groceries in their carts. When a supervisor tried to discuss the complaints with claimant, she claimed that the customers were attacking her for no reason. The supervisor agreed that claimant should go home. As she left, claimant stated that she would not shop in this " G-d damn" store, threatened to file a lawsuit, and indicated that she was sufficiently upset to throw groceries at someone.

Claimant was discharged as of October 16, 2003, and filed a claim for unemployment benefits. The claims adjudicator allowed the claim, and the employer appealed. Following a hearing, the appeals referee issued a written decision, reversing the claims adjudicator' s decision. The referee found that claimant had been discharged for misconduct, and therefore was ineligible for benefits for the week ending October 18, 2003, through November 22, 2003. See 21 V.S.A. § 1344(a)(1)(A) (employee shall be disqualified for benefits for not more than 12 nor less than 6 weeks if discharged from employment for misconduct connected with his or her work). The referee further determined that claimant may have received benefits to which she was not entitled based on a misrepresentation of material fact, and that the matter would therefore be returned to the Unemployment Insurance Division to determine whether she was required to repay those benefits. The Employment Security Board adopted the referee' s findings and sustained its decision. This pro se appeal followed.

Claimant's one-page appeal meets virtually none of the requirements of V.R.A.P. 28(a), lacking, most notably, any reasoned argument, citation to authority, or references to the record to support her list of claims. Accordingly, we decline to address the claims of a violation of the Americans with Disabilities Act, " unfair hearing," " misrepresentation," " improper cueing," " defamation of character," " viciously attacked," and " verbally attacked." See Johnson v. Johnson, 158 Vt. 160, 164 n.* (1992) (Court will not consider claims so inadequately briefed as to fail to meet requirements of V.R.A.P. 28(a)); State v. Taylor, 145 Vt. 437, 439-40 (1985) (Court will not canvas record and

authorities to construct appellate argument out of whole cloth).

Although equally lacking in argument, authority, or record citations, claimant's alternative claim appears to be that she was wrongfully terminated because the March and October incidents were unrelated, and because she was not afforded a probationary period or alternatives to discharge such as time off, additional training, or a medical check. We will not disturb the Board's findings if supported by credible evidence. Skudlarek v. Dep't of Employment & Training, 160 Vt. 277, 280 (1993). The Board found, and the record demonstrates, that following the March incident claimant was specifically informed in writing that she would be terminated if she engaged in any further disruptive behavior or made unfounded allegations. Thus, the March incident provided the predicate for claimant's termination based on the events in October. Further, while claimant has provided no factual or legal basis to demonstrate that she was entitled to interventions short of termination, we note that claimant was afforded a one month leave following the March incident, and her supervisor testified without contradiction that she would have provided additional time off if claimant had requested it prior to the October incident. Accordingly, we discern no basis to disturb the Board's decision.

Affirmed.

BY THE COURT:

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice