

SUMMARY STATEMENT

Wittkopf v. Stewart's Firefighter Food Catering, Inc.

Case No. 46860

In an appeal arising from a decision of the Idaho Industrial Commission, the Idaho Supreme Court affirmed the Commission's determination that William M. Wittkopf was ineligible for unemployment benefits.

Wittkopf appealed pro se from a Commission determination that he was ineligible for unemployment benefits. Wittkopf was employed by Stewart's Firefighter Food Catering, Inc., ("Stewart's Firefighter"), for a portion of 2016. After he was separated from his employment there, Wittkopf filed a claim for unemployment benefits on September 14, 2016. Over two years later, on October 16, 2018, Wittkopf filed a new claim for unemployment benefits after his hours were reduced by another employer. He did not report his 2016 employment at Stewart's Firefighter on either unemployment application. During an audit of Wittkopf's unemployment claims, the Idaho Department of Labor discovered that Wittkopf was employed by Stewart's Firefighter in 2016 until he voluntarily quit. Based upon this discovery, the Department determined that Wittkopf was ineligible for unemployment benefits because he quit his job without good cause and because he willfully made a false statement or willfully failed to report a fact material to his unemployment claim. Wittkopf appealed the decision and the Commission came to the same conclusion.

On direct appeal to the Idaho Supreme Court, Wittkopf argued the Commission violated his right to due process and that the findings of the Commission were not supported by substantial and competent evidence. The Court determined that Wittkopf failed to make a cogent argument on appeal with respect to his right to due process and that the Commission's determination was supported by substantial and competent evidence. Accordingly, the Court affirmed the decision of the Commission.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.