

SUMMARY STATEMENT

Lowell v. Human Dynamics and Diagnostics, PLLC
Docket No. 49196-2021

The Idaho Supreme Court affirmed the Idaho Industrial Commission's determination that Gregory Lowell was ineligible for unemployment benefits because he had been discharged for employee-related misconduct.

On January 6, 2021, Lowell's employment at Human Dynamics and Diagnostics, PLLC ("HDD"), was terminated after he sent unprofessional text messages to staff members. Lowell subsequently applied for unemployment benefits with the Idaho Department of Labor. The Department initially determined that Lowell was eligible for benefits because he had not been terminated for misconduct. HDD appealed the Department's decision.

The Department's Appeals Examiner reversed the initial determination and concluded that Lowell was ineligible for benefits because he was discharged for misconduct as defined by the Idaho Employment Security Law. Lowell appealed the decision to the Commission, arguing that the hearing was unfair because the Appeals Examiner was biased and unfairly excluded his witness from testifying. After conducting a de novo review of the record before the hearing officer, the Commission affirmed the decision of the Appeals Examiner and found that Lowell had been discharged for misconduct related to his employment. Lowell appealed to the Idaho Supreme Court.

The Court determined that Lowell forfeited any assignment of error by failing to comply with Idaho Appellate Rule 35(a)(6) by not providing argument and authority in support of his arguments on appeal, and by failing to provide the Court with the transcript of the hearing before the hearing officer. The Court explained that it would not presume error and affirmed the Commission's decision.

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