

**IN THE COURT OF APPEALS 06/18/96**

**OF THE**

**STATE OF MISSISSIPPI**

**NO. 94-CC-01192 COA**

**MISSISSIPPI EMPLOYMENT SECURITY COMMISSION**

**APPELLANT**

**v.**

**ELIZABETH HILL**

**APPELLEE**

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION AND  
MAY NOT BE CITED, PURSUANT TO M.R.A.P. 35-B

TRIAL JUDGE: HON. GRAY EVANS

COURT FROM WHICH APPEALED: CIRCUIT COURT OF LEFLORE COUNTY

ATTORNEY FOR APPELLANT:

JAN D. GARRICK

ATTORNEY FOR APPELLEE:

NO BRIEF FILED

NATURE OF THE CASE: UNEMPLOYMENT BENEFITS

TRIAL COURT DISPOSITION: REVERSED THE BOARD OF REVIEW'S DENIAL OF  
BENEFITS

BEFORE BRIDGES, P.J., COLEMAN, AND PAYNE, JJ.

PAYNE, J., FOR THE COURT:

The Mississippi Employment Security Commission appeals the Circuit Court of Leflore County's decision to award Elizabeth Hill unemployment benefits. The referee found that Hill voluntarily terminated her employment without good cause and was disqualified pursuant to section 71-5-513. The Commission's board of review affirmed. The circuit court reversed the board of review and awarded Hill unemployment benefits. Finding error, we reverse the circuit court's award and reinstate the board of review's denial of benefits.

#### STATEMENT OF THE FACTS

The facts are essentially undisputed. Hill was employed by Irving Automotive. Hill was presented with unfortunate family circumstances with her father suffering three strokes and requiring significant care. Her mother, as primary caretaker of Hill's father, was no longer able to care for Hill's four children. Hill quit reporting to work on June 17, 1994, because of the lack of proper child care and her need to help attend to her parents. Hill testified that "I knew that I couldn't work with two parents that age in that kind of condition."

#### ARGUMENT AND DISCUSSION OF THE LAW

First, we note that Hill failed to file an Appellee's brief in this matter. However, finding that we can substantively address the merits of this appeal, we choose to do so.

This Court is obligated to affirm administrative agency rulings, which are supported by substantial evidence. *Foster v. Mississippi Employment Sec. Comm'n*, 632 So. 2d 926, 927 (Miss. 1994); *Booth v. Mississippi Employment Sec. Comm'n*, 588 So. 2d 422, 424 (Miss. 1991).

Generally, a person is eligible for unemployment benefits unless he falls into one of two categories: (1) he voluntarily left without good cause or (2) he was discharged for misconduct connected to his work. Miss. Code Ann §71-5-513(A)(1)(a) (1972). Hill was determined to be disqualified from benefits under the "voluntarily quit" section of the statute. Section 71-5-513(A)(1)(a) also provides in pertinent part:

For the week, or fraction thereof, which immediately follows the day on which he left work voluntarily without good cause, if so found by the commission, . . . *provided that marital, filial and domestic circumstances and obligations shall not be deemed good cause within the meaning of this subsection.* Pregnancy shall not be deemed to be a marital, filial or domestic circumstance for the purpose of this subsection.

*Id.* §71-5-513(A)(1)(a) (emphasis added). According to the statute, marital, filial, and domestic circumstances and obligations do not constitute good cause for leaving work. Clearly, Hill terminated her employment for "marital, filial and domestic circumstances." The circuit court erred in determining that Hill was entitled to benefits. Accordingly, we reverse the circuit court and find that the board of review's denial of benefits should be reinstated.

**THE JUDGMENT OF THE CIRCUIT COURT OF LEFLORE COUNTY IS REVERSED AND THE DECISION OF THE BOARD OF REVIEW DENYING BENEFITS IS REINSTATED. ALL COSTS OF THIS APPEAL ARE TAXED TO APPELLEE.**

**FRAISER, C.J., BRIDGES AND THOMAS, P.JJ., BARBER, COLEMAN, DIAZ, KING, McMILLIN, AND SOUTHWICK, JJ., CONCUR.**