

December 16, 2005

INFORMAL BRIEF

To: Clerk of the Appellate Courts
305 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Boulevard
St. Paul, MN 55155

Court of Appeals #: A05-1995

Department of Employment and Economic Development #: 11206 05

Relator: Sarah L. Skarhus

Respondents: Davanni's, Inc., and
Dept. of Employment and Economic Development

I request that the court please consider all that I have stated in this brief as well as my statements in:

- my online Applicant Summary for unemployment filed July 10, 2005
- my online Lower Appeal by the Applicant filed July 26, 2005
- my August 13, 2005 letter originally faxed to Judge Sebo on August 15, 2005 and
- my online Request for Reconsideration filed August 17, 2005

Neither the original Decision dated August 17, 2005 or the Affirmation Decision dated September 8, 2005 (p. 3 of Appendix) by Unemployment Judge Richard C. Sebo seemed to consider my letter dated August 13, 2005 (p. 5 of Appendix). That letter, in regards to the August 16, 2005 phone hearing, was first faxed to Judge Sebo's attention on August 15, 2005; it included my reason for not being able to take part. I faxed Judge Sebo the same letter a second time on August 29, 2005 after filing an online Request for Reconsideration dated August 18, 2005. The following statements are from that letter:

"This is in regards to appeal # 11206-05 and the upcoming August 16, 2005 hearing scheduled at 2:45pm with unemployment Judge Richard Sebo. I am very sorry that I cannot partake in that hearing by phone. I have an irregular schedule at my new job that I started on 7/28/05. It is too soon to start asking to take time off or to use the phone during work hours for the hearing."

I disagree with Judge Sebo's statement from his Order of Affirmation (p. 3 of Appendix) that "SARAH L. SKARHUS has not shown "good cause" for missing that hearing." I believe that I was definitely "acting with due diligence from participating in the hearing." My August 13, 2005 letter (p. 5 of Appendix) was my way of taking part in the August 16, 2005 phone hearing. I was not seeking an additional phone hearing; I was seeking fair and serious consideration of my statements in my August 13, 2005 letter (p. 5 of Appendix) in regards to the termination of my employment with Davanni's Riverside location. As stated in my July 26, 2005 Lower Appeal by Applicant, "I do think that the incident I was fired for is 'a single incident that does not have a significant adverse impact on the employer' and that it was 'not employment misconduct'".

The appendix to this brief is not available for online viewing as specified in the *Minnesota Rules of Public Access to the Records of the Judicial Branch*, Rule 8, Subd. 2(e)(2) (with amendments effective July 1, 2007).