

65402-1

65402-1

October 01, 2010

NO. 65402-1-1  
IN THE COURT OF APPEALS  
OF THE STATE OF WASHINGTON  
DIVISION 1

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Mohamed Abdelkadir

Appellant,

Vs.

STATE OF WASHINGTON DEPARTMENTS OF EMPLOMENT SECURITY,

Respondent.

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APPEAL FROM KING COUNTY SUPERIOR COURT  
Honorable Laura Gene Middaugh, Judge

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BRIEF OF APPELLANT

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CASE # 65402-1-1 APPEAL BRIEF FOR PETITIONER.

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CASE # 65402-1-1 APPEAL BRIEF FOR PETITIONER.

Mohamed Abdelkadir, App. Vs. STATE OF WASHINGTON

DEPARTMENTS

OF EMPLOMENT SECURITY, Respondent.

David V. Foley Administrative Law Judge Hearing entered the ruling on  
July 28, 2009.

Office Of Administrative Hearings

2420-Bristol Court SW

PO Box 9046

Olympia, WA 98507-9046 See **CABR** 78 of 124 (OAH DECISION) the  
Commissions Rec. for more information.

Judge Laura Gene Middaugh King County Superior Court judge the ruling  
entered on April 23, 2010.

**. I. LAW (STANDARD OF REVIEW)**

This court is reviewing a final decision of the Employment  
Security Department, an administrative agency of the State of  
Washington. RCW 50.32.120 of the Employment Security Act  
Provides that judicial review of a decision of the Commissioner  
may be taken only in accordance with RCW 34.05.5701 of the  
Administrative Procedure Act. Judicial review by a Court of Appeal

Is based on the Commissioner's Decision and not the Decision of the administrative appeal tribunal. *Kenna v. **Employment Security Department***, 14 Wash.App. 898, 545 P.2d 1248 (1976). However, the court reviews the record made before the Appeal tribunal in determining whether the decision should be Reversed, modified or sustained. *Id.*

RCW 34.05.570(3) sets forth the standards of review for Cases arising under the APA. The Legislature, in enacting the new APA provided courts with nine different standards of review **which are listed as** distinct and separate bases upon which to

1 RCW 34.05. et seq. is Washington's new administrative procedure act, enacted in 1988, which supersedes RCW 34.04 et seq. In revising the Administrative Procedures Act, the Legislature intended that, to the greatest extent possible, current agency practices and court decisions interpreting RCW 34.04 et seq. should remain in effect. See RCW 34.05.001.contest an agency ruling. See **Equitable Shipyards v. State**, 93 Wash.2d 465, 611 P.2d 396 (1980) [analyzing the "old" APA, RCW 34.04.160(3)].

Where the reviewing court is faced with a challenge that the

agency failed to follow proper procedures, or failed to follow established agency precedent in deciding a case, specific standards of review are set forth in RCW 34.05.570.

The first standard of review is that identified in RCW 34.05.570(3) (a): "in violation of constitutional provisions either on its face or as applied". Here, the reviewing court looks to determine if the administrative agency's action violated a constitutional protection. **Marvsville v. Pollution control Authority**, 104 Wash.2d 115, 702 P.2d 469 (1985). This standard of review contemplates the situation where the agency failed to follow a fundamental principal of constitutional law, such as the right to cross-examine and confront witnesses, or the right to a fair hearing conducted in such a way as to protect the due process rights of all parties is protected under these provisions. **Franklin county v. Sellers**, 97 Wash. 2d 317, 646 P.2d 113 (1982) cert. denied 459 U.S. 1106, 74 L.Ed.2d 954, 103 S.Ct. 730 (1983). But an agency may also violate constitutional principles by engaging in sub rosa decision making on the basis of invidious discrimination, such as discrimination against women on the basis of their sex. This constitutes a violation of constitutional principles "as applied". See **Hanson v. Hutt**, 83 Wash.2d 195, 517 P.2d 599 (1973) [discrimination in allowance of

Unemployment benefits on the basis of pregnancy violates state constitutional principles against sex based discrimination]

The second standard of review is set forth in RCW 34.05.570(3) (b).

Under the "ultra vires" standard the basis for review is whether "the order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law".

The Commissioner of Employment Security is empowered only to take actions which are "not inconsistent" with Title 50. RCW 50.12.010. The Commissioner cannot impose additional requirements for eligibility beyond those created by the legislature. **Bartel v.** Employment Security Department, 60 Wash.2d 709, 375 P.2d 154 (1962). Any decision or policy which imposes additional requirements on a claimant's eligibility beyond those created by the legislature is void to the extent that it makes ineligible for benefits a person who would be otherwise eligible for benefits under the Employment Security Act. Id. The role of the court under this standard of review is to determine the source of law (legislative or administrative) and then determine whether the Department, as an administrative agency, has acted within the proper scope of the power delegated to it by the legislature.

The sixth standard is the "incomplete resolution" standard of RCW 34.05.570(f). Here, the issue is whether the agency resolved the essential questions, which are presented for review.

Because it is well recognized that inaction or administrative action without justification can be a powerful form of agency.

Action, under the new APA reviewing courts were given the power to compel an agency to exercise discretion. See 64 Wash.L.Rev. 781, 844-845. For example, where a reviewing administrative agency reverses the decision of a trier of fact, but fails to explain the basis upon which this is done, the court may reverse the agency action on the basis that the matter is incompletely resolved in that the agency has failed to find or explain essential facts. See McDaniels v. DSHS, 51 Wash.App. 893, 756 P.2d 143 (1988).

The eighth standard of review, found in RCW 34.05.570(3) (h) provides that a decision may be overturned on the basis that "the order is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for the inconsistency." This provides the reviewing court with the power to review certain

"rules" that an agency may follow to determine whether those rules have a rational basis.

The Commissioner is authorized to issue two kinds of "rules". First, there are the administrative rules which must be promulgated pursuant to the APA. Secondly, there are the decisional "precedential Commissioner's Decisions", authorized by RCW 50.32.095, permitting the commissioner to designate certain adjudicative decisions as "precedential". These precedential decisions have been frequently referred to by courts in interpreting decisions of the Department. See vergeyle v. Employment Security, 28 Wash.App. 399, 403, 623 P.2d 736 (1981) [citing In re Wedvik, comm.Dec. 1107 (1974)]. courts impose a duty of consistency toward similarly situated persons and have held that "administrative agencies may not treat similar situations in dissimilar ways. Vergeyle, Supra, [citing Jones v. Califano, 576 F.2d 12 (2nd Cir. 1978)]. A decision of the Commissioner which is inconsistent with either precedential commissioner's Decisions or administrative rules and fails to articulate a reason for this departure from Department rule should be overturned on the basis that the decision inconsistent with a rule of the agency pursuant to RCW 34.05.570(3) (h).

In most cases presented for judicial review, the issue presented is whether the final agency decision contains errors of law or fact. Here, the standard of review to be used by the courts depends on whether the court is reviewing (1) one of fact,

(2) one of law, or (3) a mixed question of law and fact. **Rasmussen v.**

**Dept of Employment Security**, 98 Wash.2d 846, 849-50,  
658 P.2d 1240 (1983). [interpreting RCW 34.04.160(6)].

Where the petitioner challenges an agency's findings of facts, the standard of review for facts set forth in the fourth standard, RCW 34.05.570(3) (d) is whether the order is "substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by this court under this chapter".

**Olmstead v. Department of Health**, 61

Wash.App. 888, 812 P.2d 527 (1991).

"Substantial evidence" exists if the record contains evidence of sufficient quantity to persuade a fair-minded, rational person of the truth of the declared premise. **Bering v. Shaw**, 106 Wash.2d 212, 721 P.2d 918 (1986), cert.denied, 479 U.S. 1050 (1987). Under a "substantial evidence" standard, the reviewing court should reverse factual findings of the trier of fact only where those findings are not supported by substantial evidence. **Mood v. Banchemo**, 67 Wash.2d 835, 410 P.2d 776 (1966).

The standard of review for issues of law is set forth in the

fifth standard at RCW 34.05.570(3) (e), "the agency has erroneously interpreted or applied the law". Issues of law are the responsibility of the judicial branch. **Tapper v. Employment Security**, 66 Wash.App. 448, 451, 832 P.2d 449 (1992). Therefore, when reviewing legal questions the court is allowed to substitute its judgment for that of the administrative agency. **Franklin county Sheriff's Office v. Sellers**, 97 Wash.2d 317,324-325, 646 P.2d 113 (1982) cert.denied, 459 U.S. 1106 (1983)

The question as to whether the agency has properly interpreted the legal meaning to be applied to a statutory disqualification is a "pure" question of law, which the court reviews independently from the decision of the administrative agency. **Othello community Hospital v. Employment Security**, 52 Wash.App. 592, 762 P.2d 1149 (1988). While giving substantial weight to the agency's interpretation of words and construction of statutes because of its expertise in the field, the "paramount concern" of the court is to ensure that the statute is interpreted consistently with the underlying policies. **overton v. BEconomic Assistance Auth.**, 96 Wash. 2d 552, 555 637 P.2d 652 (1981)

. The "erroneous interpretation" standard is also applied to "mixed questions of law and fact". **Read v. Employment Security**, 62 Wash.App. 227, 813 P.2d 1262 (1991). Mixed questions of law and fact exist where it is necessary to compare the correct law and correct facts to determine the

legal consequences. They exist "where there is a dispute both as to the propriety of the inferences drawn by the agency from the raw facts and as to the meaning of the statutory terms". **Franklin County**, 97 Wash.2d at 330, 646 P.2d 113 (quoting **Daily Herald Co. v. Dept. of Employment Sec.**, 91 Wash. 2d 559, 561, 588 P.2d 1157 (1979)). When the dispute involves inferences drawn from raw facts and involves an interpretation of these facts in light of a statutory term such as "misconduct," the "erroneous interpretation" standard should be applied. **Tapper v. Employment Security**, 66 Wash.App. 448, 832 P.2d 136 (1992).

Before proceeding to review any mixed questions of law and fact, the court must first determine the correct facts by the reviewing the record under the correct standard for review of facts. Based on the correct facts, the court then reviews the record by applying the correct law to the correct facts. **Property Holding and Development Inc. v. Dept. of Employment Security**, 15 Wash.App. 326, 546 P.2d 58 (1976) i **Brandley v. Employment Security**, 23 Wash.App. 339, 595 P.2d 565 (1979). Both "pure" questions of law and "mixed questions of law and fact" are reviewed under the same **de novo** standard of review set forth in RCW 34.05.570(3) (d). **Read v. Employment Security**, 62 Wash.App. 227, 813 P.2d 1262 (1991).

**The agency erroneously interpreted or applied the law.**

**Under ESD rules employee has right voluntarily to quit for the following reasons such as mistreated by co-worker on the job site, harassed by co-worker on the job site and the employee report the situation to the employer for reasonable period of time**

**I left my job for my safety reasons, also I reported the harassment to Jim Murray the regional human resources for CSK Auto and the employer was given a reasonable period of time (from September 15, 2008 to October 5, 2008) to solve the situation. See CABR 75 of 124 Of the OAH transcript testimony.**

**A claimant who left work voluntarily with good cause is eligible for unemployment benefits. Generally to show a good cause, the claimant must establish that the separation was for, among other reasons, deterioration of work site safety (unsafe working conditions).**

**I tried to solve the problems.**

**Please see CABR 75 of 124 OAH Transcript for more information.**

**When Mr. Murray said he was a witness, he was not being truthful. He was not on premises in the depot (in Shoreline CSK INC store) to be credible witness. His testimony should be disallowed. Mr. Murray's was relying on second-hand information. See COMMISSIONS Rec. CABR at 29-35 OF 124.**

**Witness can only testify about he saw, said, or heard. Mr. Murray was talking about something that another person said happened, that is called: hearsay.**

Mr. Abdelkadir left his job with good cause.

**While hearsay evidence is admissible at administrative hearing, no decision finding of fact may be based exclusively on hearsay.**

Generally speaking, to establish “good cause” it must be shown that work-connected factors were such that leaving was the only reasonable course of action to take and that the claimant (Mohamed Abdelkadir) made every reasonable effort to have the circumstances corrected prior to quitting.

**According to Washington state law regarding unemployment compensation, all that is required to leave the employment is harassment, either from co-worker or an employer.**

The department contacted the employer **for REBUTTAL**, information, but has received **no response from the employer, therefore; a decision must be made on the evidence on hand. On April 16, 2009.**

Therefore; I should not be denied for unemployment insurance benefit as the above reason.

Please, see **Exhibit 2 page 2** **COMMISSION Rec.** for more information dated on April 16, 2009 CABR 52 of 124 **COMMISSION Rec.** FOR MORE INFORMATION

**The (ALJ) judge David V. Folly and (ESD) Commission made a decision without reasonable grounds or adequate consideration of the circumstances. See CABR 75 of 124 COMMISSIONS Rec.**

**The agency has erroneously interpreted or applied the law;**

Please see CABR 52 of 124 **COMMISSION Rec.** FOR MORE INFORMATION DATED APRIL 16, 2009 (04/ 16/ 2009). Further more, I am owed money for the weeks since the time Judge David Folly disallowed me Unemployment benefit.

THE ABOVE INFORMATION INDICATES THE EMPLOYER WAS AT FUALT.

#### **11. STATEMNET OF FACTS:**

1. On November 18, 2007 I started work in at CSK Auto. I have been working for this organization for over (10) months. I believe that I have been doing a very good job and was quite satisfied.
2. On September 10, 2008 Request for intervention with Greg Little and assistance in resolving work area safety issue to Jim Murray Regional human Resources CSK Auto 2402R- Street NW Auburn, WA 98001 Telephone # 253- 931-4795- Fax #

602- 604- 5410 However on several occasions confronted by co-worker named Greg little on March 2008 was intervene when I requested for my break time which is required by Washington State law or by labor industry Greg little told me go home, if you do not like the job, I have told him to Greg Little that is not your issue. I have informed to the lead his name Nicoul Solannki (Depot).

The most recent was on September 10, 2008 A.M shifting.

3. On October 05,2008 I left my job for good cause because I no longer felt the work place was safe. I had a co-worker who was harassing me, following me, and acting aggressive to word me. I made multiple complaints to the supervisors, store manager, human resources see agency record CABR 111-112 of 124 for more information.

During my telephone conversation & statement on July 28, 2009, I provided documents proof of documents to the (OAH) Judge during the hearing and including to the (ESD) commission.

I left my job for good cause because I no longer felt the work place was safe. I had a co-worker who was harassing me, following me, and acting aggressive to word me. I made multiple complaints to the supervisors, store manager, human resources and I am attaching proof of that.

I attempted to make the court and commissioner aware of these circumstances and sent proof of such, however the court failed to take this information into account.

I left my job with a good cause for the following reasons:

I was not taking my time break time and harassed by co-worker (Mr. Little). And I tried to resolve the problem through ethical calculated means.

I understood that Mr. Little is on anti depression (Drugs) Medication for his psychotropic problems. He command me what to do, yell at me, Mr. Little was not a lead or Supervisor, he keep following me and argue with me and curse at me. I did (made an effort prior quitting my job) ask my employer to reduce my work schedule and for different shifts to avoid a potential conflict. The employer declined to respond.

Reasonable amount of time to respond the employer a full month to remedy the harassment being inflicted up me. Mr. Osborn (store manager) told me that he was not going to do any thing about it, because he could not. Also Mr. Murray the Human Resources equally said could not do any thing about it.

This made me want to stay away from Mr. Little. Since the Employer refused to listen to my written faxed complaint on September 15. 2008

This caused me to leave my job under the unemployment security Law

rules and for my safety on October 5, 2008. And I am entitled to unemployment benefits.

Please also see the attachment regarding Talx's prior fraudulent denials of unemployment claims.

Talx's (pronounced Talks) represent CSK AUTO my Employer) in this case. CSK AUTO Inc. C/O TALX PO BOX 84- Phoenix, AZ 85001.

Rules for Unemployment Insurance

Everyone who has accumulated enough wage credits

In their current job is eligible for unemployment insurance

"Taking any drugs while driving it is illegal under the law".

"Harassment on the job site it is illegal under the law".

**Please see the attached documents for more information.**

**Please see CABR 75 of 124 for more information.**

**The Department contacted the employer for rebuttal information but has received no response.**

**Please see CABR 52 of 124 OAH of the transcript testimony for more information dated on April 16, 2009.**

I left my job for my safety reasons, also I reported the harassment to **Jim Murray the regional human resources for CSK Auto and the employer was given a reasonable period of time (from September 15,**

**2008 to October 5, 2008) to solve the situation. See COMMISSION Rec. CABR 75 of 124.**

A claimant who left work voluntarily with good cause is eligible for unemployment benefits. **Generally to show a good cause, the claimant must establish that the separation was for, among other reasons, deterioration of work site safety (unsafe working conditions).**

I tried to solve the problems.

David Osborne (store manager) by telling Mr. Little the Employer JEOPARDIZES my (Mohamed) well being and my safety. Please

Ref:(see) CABR 80 of 124 **COMMISSIONS Rec.** of the transcript Item –2 Initial Order Page--2 that is shows what would happen to me, if I did not Quitting. I had at CSK Auto Inc. I talk to Jim Murray the regional human resources for CSK Auto Inc and asked not be assigned work with Mr.

Little who was harassing me, my concerns were ignored.

Mr. Jim Murray's main office is located in Auburn Washington-more than 50miles away from where the depot in Shoreline located.

Mr. Murray was not in fact in the depot enough to witness what was taking place –harassment.

**I reported by fax (602) 604-5410- the harassment to Jim Murray's that's how he knew.** He did not, however, respond to my fax.

**When Mr. Murray said he was a witness, he was not being truthful. He was not on premises in the depot (in Shoreline CSK INC store) to be credible witness. His testimony should be disallowed. Mr. Murray's was relying on second-hand information.**

**Witness can only testify about he saw, said, or heard. Mr. Murray was talking about something that another person said happened, that is called: hearsay. While hearsay evidence is admissible at administrative hearing, no decision or finding of fact my be based exclusively on hearsay. In order to carry the burden of proof at an administrative hearing, the employer must present some "residuum" of competent evidence. See Leggerini V. Dept. of unemployment Compensation, 15 Wash.2d 618, 131 P.2d 729 (1942)**

Please see CP 46 the attachment Mr. Jim Murray's business card, that it shows his office Auburn Washington.

- 1) Judge David Foley was in error for my work search.
- 2) I was making less than twenty hours per week.
- 3) I have never stop working.
- 4) I was reporting to the claim department for my work hours at 1800-318-6022 every week.
- 5) Please see CABR 59 through 67 of 124 Claimant's Voluntary quit statement Exhibits 5 page 1, Exhibit 5 page 2, Exhibit 5 page 3.

Exhibit 6 page 1, Exhibit 6 page 2, Exhibit 6 page 3, Exhibit 6 page 4 Exhibit 6 pages 5, Exhibit 7 page 1 COMMISIONS Rec. of the transcript for more information.

- 6) CSK AUTO INC POLICY SAID NO DRUG AT WORK SITE AND NO DRUG WHILE ATTEMPTING TO DELIVERY DRIVING.
- 7) PRIOR QUITTING THE CLAIMANT REPORTED THE HARASSMENT TO MR. JIM MURRARY'S HUMAN RESOURCES BY FAX (602) 604-5410 ON SEPTEMBER 15, 2008. see CABR 75 of 124 and CABR 76 of 124 for more info.
- 8) THE ADMINISTRAVE LAW JUDGE DAVID FOLEY WAS IN ERROR FOR RCW RULES. ITEM-3 AND ITEM-4 INITIAL ORDER PAGE-2

See CABR 80 of 124- COMMISIONS Rec. transcript testimony for more information.

I provided to human resources what was happening and I feared for my safety.

The employer should be liable for unemployment insurance.

I responded to unemployment (ESD) as to why I quit.

See CABR **52 of 124 COMMISIONS Rec. OAH of the transcript.**

According to the Washington State office of Administration Hearing, and Washington State law governing unemployment compensation, a claimant has good cause to leave his employment, if there is a deterioration of work site safety; which the employer failed to correct within a reasonable period of time after being notified.

In this case, I left my job because after being harassed by Mr. Little, I feared for my personal safety. Additionally, another individual had harassed me. That other individual was a driver. I know only by his first name " Ted".

Ted called me " a terrorist". I reported this to Depot Manager Dave Velez, I did not think it was relevant, but it is.

**I believe that the employer discriminated me against.**

**See CP 209, line 1-5 Petitioner Reply Brief. Dated on April 05, 2010**

For instance, when fight broke out between Hessen and Dennis Berger in the same place of work. The employer responded and changed their work schedules and hours. Hessen was moved to the lake city store.

Dennis Berger remained where claimant worked (shoreline store). Also fight broke out between Dennis Berger and Greg little, the employer responded and change their work schedules and hours within one week.

Dennis Berger work schedule hours remained where claimant worked (Shoreline Store) and Greg Little work hours schedules In Seattle Store

and in Shoreline Store, for both work hours schedule schedules were not the same dates or days in shoreline store. Also after few months the supervisor (Dave Velez) and the store manager (David Osborne) argued with Dennis Berger, he was moved to Kenmore store.

The person (Jim Murray) who said he was a witness, was not in fact a witness to what happened.

The **(ALJ) Judge David Foley** was in error to accept Jim Murray statement as a witness on the telephone hearing on July 28, 2009, because **Jim Murray was not present** during the incident or harassment in person.

I (Mohamed Abdelkadir) reported the harassment in written and faxed **(602) 604-5410** to Jim Murray regional human resources in Washington State for CSK INC Auto to solve the situation on September 15, 2008.

**Please see CP 40, 41, 42 COMMISSIONS Rec. of the transcript for more information.**

I was provide additional Documents to **OAH** and to the **CSK Auto Inc** with Certificate of Service on July 28, 2009 see **CP 40, 43, 44 and 45.** COMMISSION Rec. Of the transcript testimony.

See CP 48 (OAH DECISION) the Commissions Rec. for more information.

#### **111. STATEMENT OF THE CASE:**

**The petitioner, Mohamed Abdelkadir, appears before this court, pursuant the provisions of RCW 50.32,120. Appealing a final decision of the Commission of the Employment Security Department issued on August 28, 2009, Petitioner seeks of this decision on the basis that it was adjudicated under the wrong stand of law. Mr. Abdelkadir left his Employment with “good cause” because of harassment on the job site By Mr. Little see the agency record CABR 111-115 of 124 for More information.**

1. On February 2009 filed for unemployment insurance, because I was making less than (40 hours a week). The Department allowed benefit on April 16, 2009, the Employer failed to respond to the claimant statement see agency record CABR 52 of 124 for more information.

**On May 2009 Appeal requested by the Employer agency TALX (pronouns Talks). Review CABR 11of 124, line 22 through 24 of the transcript testimony appeal comes from TALX Uc express. TALX failed to respond, when asked by the Employment Security Department for rebuttal information (see CABR 52 of 124 of the transcript testimony). Dated on April 16, 2009.**

On July 28, 2009 Telephone hearing entered by (OAH) Judge David V. Foley. Claimant benefit was denied see agency record CABR 78 of 124 for more information.

On August 06, 2009, I filed petition for review to the Commission (ESD) see agency record CABR 98 of 124 for more info.

2. On April 23 2010 the Superior Court erred, because I was not allowed me to read or to present the following pages see agency record CABR 111, 112, 113, 114 and 115 of 124, which would have shown that I did in far exhaust every reasonable alternative before leaving the job.

**3. According to Washington state law regarding unemployment compensation, all that is required to leave the employment is harassment, either from co-worker or an employer. To the above facts entitle me to relief.**

**1V. ARGUMENT Exhausted Reasonable Measures:**

**Finding of fact, conclusions of law and order affirming the decision of the commissioner of the Employment Security Department of the State of Washington that plaintiff was ineligible to receive unemployment benefits.**

**I believe that the Superior court error in determining that the commission's finding of fact was supported by substantial evidence.**

**The commission's finding of fact were not supported by substantial evidence, because:**

See to the Respondent's briefing dated on March 22, 2010 CP 132, line 20 to 26, it is contradicting with my briefing and with my report of CABR 75 of 124 COMMISSIONS Rec. of the transcript. I did not fail to exhaust reasonable alternative to quitting prior to leaving my employment. Review CABR 29 of 124. Judge Laura Gene Middaugh King County Superior Court Judge in Seattle the Ruling entered on April 23, 2010 refused listen to argument as reference to CABR 29 of 124 in lines 18 to line 25 of the transcript. I said to her that the place where I work in shoreline, not in Seattle; this is contradiction with Mr. Jim Murray statement.

Review CABR 75 of 124 COMMISSION Rec. of the transcript when I was explaining to the judge that I made a report about the harassment, mistreatment of me (Mohamed Abdelkadir) from Mr. Little to the supervisor / lead person Nikul, Dave Belez, David Osborn store manager and the regional human resources (Mr. Jim Murray). The judge said that this was new evidence where as it was not a new evidence in this case during the trial on April 23, 2010.

The judge would not allow me to read the transcript to her of CABR 75 of 124 of the (OAH) transcript because the judge Laura Gene Middaugh claimed that she could not read it. Also the original copy of the complain was ATTACH WITH COMMISSIONS Rec. TRANSCRIPT

## TESTIMONY

I here by believe that the judge is not interested in my case.

Refer to CABR 10 of 124, lines 1 COMMISIONS Rec. of the transcript  
Mr. Jim Murray is neither witness nor investigator. He (Mr. Murray) was simply regional human resources personal for CSK AUTO when I reported the incident case to him.

I did not understand what it take to made exhaust reasonable of the harassment, mistreatment made by my co- worker Mr. Little from March 2008 to September 10, 2008. Also Mr. Little said to me “go home, if did not like the job” I am from Africa and I am proud to be in the USA and I am proud where I came from, see my report to Mr. Murray CABR 75 of 124 COMMIONS Rec. of the (OAH) transcript.

Refer CABR 75 of 124, 113 of 124. 114 of 124, 115 of 124 of the (OAH) transcript need to be reviewed by the APPELLATE COURT, because Judge Laura Gene Middaugh (court) did not allow me to mention about on April 23, 2010.

See Respondent’s briefing, CP 140, line 1 through 17, dated March 22, 2010 and is not accurate. I did establish good cause for quitting, according to Washington state law regarding unemployment compensation, all that is required to quit is harassment, either from co-worker or an employer. I report the situation to the lead, supervisor and the regional human

resources Mr. Jim Murray prior quitting my employment as I mentioned above. The employer given (notice) reasonable time to solve the situation from

September 10, 2008 to October 5, 2008.

See CABR 100 of 124 (2<sup>nd</sup> paragraph sentence from bottom) employer statement was incorrect, because there was no evidence shows in the records, the Employer respond to the claimant complain.

Furthermore, the Judge Laura Gene Middaugh King County Superior Court in Seattle entered the ruling on April 23, 2010 did not allowed CABR 73 of 124, 75 of 124, 111 of 124, 112 of 124 the original copy claimant (Mohamed Abdelkadir) report to the

Human resources for CSK AUTO IN WASHINGTON STATE to Mr. Jim Murray fax (602) 604- 5410 on September 15, 2008, CABR 113 of 124, 114 of 124 and 115 of 124 COMMISSION Rec. of the (OAH) transcript testimony of the hearing held before Judge David Foley into evidence on July 28, 2009. Those pages are more direct to my appeal.

Review APPEAL BRIEF FOR PETITIONER dated on March 01, 2010 page 7, line 4 through 27.

Review APPEAL BRIEF FOR PETITIONER page 4, line 8 through 28.

Review APPEAL BRIEF FOR PETITIONER page 5, line 1 though 28.

Review APPEAL BRIEF FOR PETITIONER page 6, line 1 though 11.

Review APPEAL BRIEF FOR PETITIONER page 2, line 5-though 28  
Review **Filing Of PETITIONER Reply Brief dated on April 05, 2010**  
CP 205, line 14 though 26.

Review **Filing Of PETITIONER Reply Brief CP 207, line 1 though 18.**

Review **Filing Of PETITIONER Reply Brief CP 208, line11though24.**

Review **Filing Of PETITIONER Reply Brief CP 209, line 6 though 24.**

Review **Filing Of PETITIONER Reply Brief CP 210, line 1 though13.**

**Review CABR 8 of 124, line 13 through 18 COMMISSION Rec. of the transcript testimony CSK AUTO represented by TALX. Wisconsin and Iowa passed laws to curtail procedural abuses that officials said were common in cases handled by Talx. Connecticut fined Talx (pronounced talks) and demanded an end to baseless appeals. New York, without naming Talx, instructed the Labor Department staff to side with workers in cases that simply pit their word against those of agents for employers.**

**TALX help Employer to delay unemployment compensation.**

**See the attachment documents for more in detail about TALX (pronounced talks) from New York time dated on April 4, 2010 for more evidence Attachment .**

**Review CABR 11of 124, line 22 through 24 of the transcript testimony appeal comes from TALX Uc express.**

**TALX failed to respond, when asked by the Employment Security**

**Department for rebuttal information (see CABR 52 of 124 of the transcript testimony). Dated on April 16, 2009.**

**See the attachment documents for more in detail about TALX (pronounced talks) abuses and appeals baseless against employee for unemployment compensation.**

**Review CABR 17 of 124, line 1 through 25 COMMISIONS Rec. Of the transcript testimony Mr. Little keeps harassing me with no reason.**

**Review CABR 17 of 124, line 15 through 25 COMMISION Rec. of the transcript testimony Mr. Murray contradicting him self by saying he was a witness on the hearing on July 28, 2009, I report the complain to Mr. Murray, that how he knew.**

**Review CABR 19 of 124, line 1 through 25 COMMISION Rec. of the transcript testimony employer refuses to solve the situation.**

**Review CABR 20 of 124, line 1 trough 25 COMMISION Rec. of the transcript testimony Washington Employment rule said, if an employee harassed by co- worker or supervisor employee have a right to quit his or her employment.**

**Review CABR 36 of 124, line 20 through 25 COMMISION Rec. of the transcript testimony Mohamed Abdelkadir asked the**

**employer to reduce my work schedule hours to avoid Mr. Little and my employer refuse to do so. It is contradicting with the above statement the claimant did not receive any respond form the Employer or from Mr. Murray. I, Mohamed Abdelkadir report the harassment by Mr. Little in written and faxed as Mr. Murray requested, but Mr. Murray did not respond in written to the claimant.**

Mr. Murray was not in fact in the depot enough to witness what was taking place –harassment.

**I reported by fax (602) 604-5410- the harassment to Jim Murray’s that’s how he knew. He did not, however, respond to my fax.**

**When Mr. Murray said he was a witness, he was not being truthful. He was not on premises in the depot (in Shoreline CSK INC store) to be credible witness. His testimony should be disallowed. Mr. Murray’s was relying on second-hand information.**

**Witness can only testify about he saw, said, or heard. Mr. Murray was talking about something that another person said happened, that is called: hearsay. While hearsay evidence is admissible at administrative hearing, no decision or finding of fact my be based exclusively on hearsay. In order to carry the burden of proof at an administrative hearing, the employer must present some “ residuum”**

**of competent evidence. See Leggerini V. Dept. of unemployment Compensation, 15 Wash.2d 618, 131 P.2d 729 (1942).**

**The employer was given reasonable time to solve the situation from September 10, 2008 to October 5, 2008.**

Generally speaking, to establish “good cause” it must be shown that work-connected factors were such that quitting was the only reasonable course of action to take and that the claimant (Mohamed Abdelkadir) made every reasonable effort to have the circumstances corrected prior to quitting.

**CSK AUTO represented by TALX. Wisconsin and Iowa passed laws to curtail procedural abuses that officials said were common in cases handled by Talx. Connecticut fined Talx (pronounced talks) and demanded an end to baseless appeals. See the attachment “A”**

**Mr. Murray was not in fact in the depot enough to witness what was taking place –harassment.**

**I reported by fax (602) 604-5410- the harassment to Jim Murray’s that’s how he knew. He did not, however, respond to my fax. See CABR 111-112 of 124 COMMISSION Rec. of the Transcript.**

Please see CP 46 the attachment **“B”** Mr. Jim Murray’s business card, that it shows his office in Auburn Washington.

Jim Murray perjured himself by saying he witnessed no harassment.

He has knowingly (Mr. Murray) made a false statement or representation

“to the (ALJ) Judge David Foley on the hearing on July 28, 2009. Mr. Murray was not present during the incident or the harassment in person.

1) I could not afford an attorney for the hearing telephone on July 28, 2009.

2) I did not know the legal definition of the word “ witness”, nor I did not know that Jim Murray was giving “ hearsay” testimony, because I am not an attorney. Jim Murray was not in fact a witness to my harassment.

3) I reported by fax (602) 604-5410-the harassment to Jim Murray’s that’s how he knew.

Please see CABR 75 of 124 EXHIBIT 1 Page 1 COMMISSION Rec. of the transcript testimony including CABR 111 of 124 and attached the original copy CABR 112 of 124 with these brief for more information.

. Evaluations indicating my good work;

See attachment “C” document for more information.

The clerk of the Superior king County Court incorrect made me pay on June 25, 2010 for DESIGNATION OF CLERK’S PAPERS FEE \$222, because pursuant to RCW 50.32.110 no individual shall be charged fee of any kind in any

Proceeding involving the individual’s application for initial determination or claim for benefits.

See the Attachment “D” for more information.

Affidavit Attachment "E"

The employment security department (ESD) commission abused their discretion, because they failed to provide adequate facts/ information about the case; reference to CABR 8 of 124, line 9.

CABR 9 of 124, line 12 to 24, CABR 10 of 124, line 6, CABR 12 of 124, line 1, CABR 13 of 124, line 20, CABR 15 of 124, line 8, CABR 16 of 124, line 17 to 25, CABR 18 of 124, line 3 to 25, CABR 19 of 124, line 7 to 23, CABR 20 of 124, line 3 to 23 COMMISSION Rec. of the transcript testimony.

ROBERT M. MCKENNA Attorney General & MATTHEW TILGHMANHAVENS Assistant Attorney General provided inadequate transcript testimony to the King County Superior Court of Seattle on October 08, 2009.

The court failed to absorb the deficiency of the transcript testimony before the hearing or during the hearing. That transcript included testimony that court clerk write simply "unintelligible".

For the reasons above I disagree with the ruling of the court

The Judge Laura Gene Middaugh ruling entered on April 23, 2010. The Judge was formally a Registered Nurse for ten years. She suppose to be

knowledgeable about the effects of aunt-Depressant Medication which is dangerous when driving make people too drowsy, unstable, changes your perception- attitudes.

A drugged driver is dangerous to other road users.

**V. CONCLUSION:**

Based upon the above facts and procedural analysis, the ruling of the administrative (ALJ) **Judge David Foley**. On July 28, 2009. And the Commission (ESD) should be reversed the decision for reasons.

Very truly

  
-----, October 01, 2010

Mohamed Abdelkadir Plaintiff pro se

PO Box 25794 Seattle, WA 98165

(206) 361-0421

ORDER:

**WHEREFORE. Petitioner asks for judgment:**

**Based** upon the above facts and procedural analysis;

The claimant Mr. Abdelkadir is requesting the unemployment compensation legally due to him plus reasonable compensation for the time and expenses he suffered in order to pursue his legal rights in this matter. Thank you.

Submitted this \_\_\_\_\_ day of \_\_\_\_\_, 2010

---

Judge

Very Truly

---

Mohamed Abdelkadir, Pro se

PO Box 25794

Seattle, WA 98165

(206) 361-0421

---

Dionne Maren Padilla-Huddleston

Assistant Attorney General

PO Box 40110

Olympia, WA 98504-011

ATTACHMENT "A"

## Contesting Jobless Claims Becomes a Boom Industry

By JASON DePARLE

Published: April 3, 2010

WASHINGTON — With a client list that reads like a roster of Fortune 500 firms, a little-known company with an odd name, the Talx Corporation, has come to dominate a thriving industry: helping employers process — and fight — unemployment claims.

[Enlarge This Image](#)

Matthew Cavanaugh for The New York Times

By the time Gerald Grenier successfully completed the process for unemployment benefits, he had lost his apartment and moved in with his sister.

Multimedia

In order to view this feature, you must download the latest version of flash player [here](#).

The Safety Net

### The Claims Game

With hundreds of thousands of jobs lost and major industries on the ropes, America's array of government aid subsidies, including unemployment, insurance, food stamps and housing, is being tested as never before. This series examines how the safety net is holding up under the worst economic crisis in decades.

Related

[A History of Complaints \(April 4, 2010\)](#)

\*

[Times Topic: Unemployment](#)

[Enlarge This Image](#)

Dilip Vishwanat for The New York Times

Talx headquarters in St. Louis.

[Readers' Comments](#)

Readers shared their thoughts on this article.

- [Read All Comments \(113\)](#) »

Talx, which emerged from obscurity over the last eight years, says it handles more than 30 percent of the nation's requests for jobless benefits. Pledging to save employers money in part by contesting claims, Talx helps them decide which applications to resist and how to mount effective appeals.

The work has made Talx a boom business in a bust economy, but critics say the company has undermined a crucial safety net. Officials in a number of states have called Talx a chronic source of error and delay. Advocates for the unemployed say the company seeks to keep jobless workers from collecting benefits.

"Talx often files appeals regardless of merits," said Jonathan P. Baird, a lawyer at New Hampshire Legal Assistance. "It's sort of a war of attrition. If you appeal a certain percentage of cases, there are going to be those workers who give up."

When fewer former workers get aid, a company pays lower unemployment taxes.

Wisconsin and Iowa passed laws to curtail procedural abuses that officials said were common in cases handled by Talx. Connecticut fined Talx (pronounced talks) and demanded an end to baseless appeals. New York, without naming Talx, instructed the Labor Department staff to side with workers in cases that simply pit their word against those of agents for employers.

Plaintiff (Abdelkadir) is filing the New York time newspaper for evidence, because TALX represent CSK AUTO Inc in this case.

Talx officials say they have been unfairly blamed for situations caused by tight deadlines, confusing state rules or uncooperative employers. Talx cannot submit information about idled workers, they say, until clients give it to them. They say Talx improves the system's efficiency by mastering the complexities of 50 state programs, allowing employers to focus on their businesses.

"We can speed the whole process, rather than bog it down," said Michael E. Smith, a senior Talx executive. "The whole idea is to protect those employees who have lost their job through no fault of their own and make sure they get unemployment insurance."

Mr. Smith said employers, not Talx, controlled decisions about which cases to contest. "We just do what the client asks us to do and leave it to the state to decide," he said.

Advocates for the unemployed cite cases like that of Gerald Grenier, 47, who spent four years as a night janitor at a New Hampshire Wal-Mart and was fired for pocketing several dollars in coins from a vending machine. Mr. Grenier, who is mentally disabled, told Wal-Mart he forgot to turn in the change. Talx, representing Wal-Mart, accused him of misconduct and fought his unemployment claim.

After Mr. Grenier waited three months for a hearing, Wal-Mart did not appear. A Talx agent joined by phone, then seemingly hung up as Mr. Grenier testified. The hearing officer redialed and left an unanswered message on the agent's voice mail. The officer called Mr. Grenier "completely credible" and granted him benefits.

Talx appealed, claiming that the officer had denied the agent's request to let Wal-Mart testify by phone. (A recording of the hearing contains no such request.) Mr. Grenier won the appeal, but by then he had lost his apartment and moved in with his sister.

"That was a nightmare," he said.

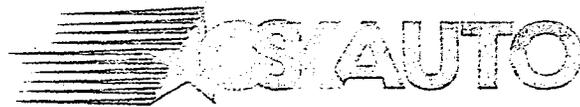
In the case of Dina Griess, Talx and its client, the subprime lender Countrywide Financial, were involved in what a judge deemed an outright fraud. Ms. Griess worked for Countrywide outside Boston and quit as it collapsed in 2008, saying she was distressed by internal investigations of lending practices. People can receive unemployment benefits if they quit for "good cause," like unsafe working conditions, but Talx argued that Ms. Griess's reason did not meet the legal standard.

She won benefits at a hearing that Talx and Countrywide skipped, but Talx successfully appealed, saying the Countrywide witness had missed the hearing because of a family death. Later asked under oath if that was true, the witness said, "No, it's not."

Next Page »A version of this article appeared in print on April 4, 2010, on page A1 of the New York edition.

Plaintiff (Abdelkadir) is filing the New York time newspaper for evidence, because TALX represent CSK AUTO Inc in this case.

**ATTACHMENT "B"**



**JIM MURRAY**  
Regional Human Resource Manager

2402 R Street NW  
Auburn, WA 98001

Phone: (253) 931-4795  
Fax: (602) 604-5410  
Cell: (425) 830-6553  
Email: [JMurray@cskauto.com](mailto:JMurray@cskauto.com)

**ATTACHMENT "C"**

# Delivery Driver Assessment

Building The Team That Is Building the Company!

Title of Assessment: 1427\_Abelkadir\_087244\_3-3-2008

(Store ID \_ Last Name \_ Employee ID \_ Date Last Saved)

<b>Delivery Driver:</b>	Abdelkadir, Mohamed A.	
<b>Store:</b>	1427	
<b>Time in Position:</b>	0 Year(s), 3 Month(s)	
<b>Assessment Period:</b>	From 11/19/2007 To 1/17/2008	
<b>Assessment Type:</b>	90 Day	
<b>Has the associate complied with all provisions of the Company Ethics Code during the assessment period?</b>	Yes	
<b>I. CUSTOMER SERVICE</b>	<b>Max Pts</b>	<b>Score</b>
1. Consistently communicates well with customers, the Commercial Manager, District Sales Managers, and co-workers and ensures customers are treated as first priority.	4	3.00
2. Stages delivery orders and inspects orders to ensure completion prior to delivery.	5	5.00
3. Completes accurate and timely deliveries and asks for customers returns.	5	5.00
4. Properly handles returns by documenting them on the Pick-up Receipt form, labeling them and ensuring refund transactions are processed according to company policies and procedures.	5	5.00
5. Overall, this associate's customer service skills are exceptional.	5	5.00
<b>TOTAL SCORE FOR SECTION (OUT OF 24)</b>		<b>23.00</b>
<b>II. RELIABILITY</b>	<b>Max Pts</b>	<b>Score</b>
6. Completes daily delivery driver checklist and performs monthly 10-minute delivery vehicle walk-around inspection.	5	4.00
7. Follows company policies and procedures regarding documenting and collecting amount due from customers.	5	5.00
8. Consistently follows safety standards (uses personal safety equipment).	5	5.00
9. Reports problems with vehicle in a timely manner to the Commercial Manager.	5	5.00
10. Compares outbound product to invoices to verify that all merchandise is accounted for and billing information is correct.	5	5.00
11. Obtains proper management signatures on all invoices by following company procedures.	4	4.00
12. Maintains a clean professional delivery vehicle and completes the truck inspection.	4	2.00
13. This driver has had less than 1 accident.	4	4.00
14. Overall, this associate is exceptional in adhering to all policies and procedures.	5	5.00
<b>TOTAL SCORE FOR SECTION (OUT OF 42)</b>		<b>39.00</b>
<b>III. INITIATIVE</b>	<b>Max Pts</b>	<b>Score</b>
15. Prioritizes and completes assigned tasks in a timely manner.	4	3.00
16. Quick to answer telephone calls.	4	2.00
17. Offers retail support when time allows.	4	4.00
18. Manages the change bag as an extension of register and assists Commercial Manager in balancing the register as needed.	5	5.00
19. Overall, this associate is exceptional in demonstrating ambition and work ethic.	5	5.00
<b>TOTAL SCORE FOR SECTION (OUT OF 22)</b>		<b>19.00</b>
<b>IV. PERSONAL SKILLS</b>	<b>Max Pts</b>	<b>Score</b>
20. Demonstrates good decision-making skills.	4	4.00
21. Demonstrates good time management skills.	4	4.00
22. Works well with others and demonstrates commitment to team success while contributing as a productive team member.	4	4.00
<b>TOTAL SCORE FOR SECTION (OUT OF 12)</b>		<b>12.00</b>

ATTACHMENT "D"

Z

=====

KING COUNTY SUPERIOR COURT  
SEATTLE WA  
BARBARA MINER  
DIRECTOR & SUPERIOR CT CLERK

Rcpt. Date: 06/25/2010  
Acct. Date: 06/25/2010  
Receipt #: 2010-02-05025  
Cashier ID: RCF  
Time: 11:23 AM

Item	Case Number	Amount
01	09-2-33625-3	\$222.00
	1520: Fee-Clerk's Papers	
	#CLFR	
	7042580	

Total Due: \$222.00  
Check Tendered: \$222.00

Change Due: 00.00

Paid By: ABDELKADIR, MOHAMED

=====



[RCWs](#) > [Title 50](#) > [Chapter 50.32](#) > [Section 50.32.110](#)

[50.32.100](#) << [50.32.110](#) >> [50.32.120](#)

## RCW 50.32.110

### Fees for administrative hearings.

\*\*\* CHANGE IN 2010 \*\*\* (SEE [6239-S.SL](#)) \*\*\*

No individual shall be charged fees of any kind in any proceeding involving the individual's application for initial determination, or claim for waiting period credit, or claim for benefits, under this title by the commissioner or his representatives, or by an appeal tribunal, or any court, or any officer thereof. Any individual in any such proceeding before the commissioner or any appeal tribunal may be represented by counsel or other duly authorized agent who shall neither charge nor receive a fee for such services in excess of an amount found reasonable by the officer conducting such proceeding.

[1945 c 35 § 127; Rem. Supp. 1945 § 9998-265.]

- Inside the Legislature**
- ★ Find Your Legislator
- ★ Visiting the Legislature
- ★ Agendas, Schedules and Calendars
- ★ Bill Information
- ★ Laws and Agency Rules
- ★ Legislative Committees
- ★ Legislative Agencies
- ★ Legislative Information Center
- ★ E-mail Notifications (Listserv)
- ★ Students' Page
- ★ History of the State Legislature
- Outside the Legislature**
- ★ Congress - the Other Washington
- ★ TWW
- ★ Washington Courts
- ★ OFM Fiscal Note Website



ATTACHMENT "E"

RECEIVED  
In King County Superior Court Clerk's Office  
MAY 12 2010  
Clerker Section  
Superior Court Clerk

April 29, 2010

Declaration Of Joann Pitera

I, Joann Pitera, declare under the penalty of perjury for the State of Washington, that the following is true and the correct to the best of my knowledge and belief:

I am over the age of 18 years and I am competent to testify.

I Joann Pitera went to court with my friend Mohamed Abdelkadir on April 23, 2010 while in the court room I was listening to the Judge, as Mohamed Abdelkadir tried to talk to her, she was very rude.

Mohamed was trying to explain about his case to Judge. As Mohamed was reading, she told him to stop, reading. Also the Judge said the printing on his paper very small, she could not read it. That was why Mohamed was trying to read it to the Judge.

The Judge said if the other man who worked with Mohamed was on drug from the doctor then he was allowed to take them, but in his (Mohamed) paper work it states no one can take any drugs on that job or the company policy said no any drugs at work, no any drugs while attempting delivery driving.

Also she said (Judge Laura Gene Middaugh) Mr. Jim Murray was a witness what happened or investigator not true" because Mohamed made the report of the incident / harassment to Jim Murray. Mr. Little was also a delivery driver for this job, which can also in danger for other people on the road.

Mohamed showed to me the transcript and I read it before we went to court.

But the Judge was no paying attention to his (Mohamed) paper work that was provided to the court. The Judge was turning the pages of the transcript so fast. How could the Judge understand what Mohamed was explaining to her on the Transcript?

The judge ignored what Mohamed was explaining to her (Judge), from the briefing, that Mohamed provided to the court and the defendant on March 1, 2010.

I, Joann Pitera was very up set with Judge and the defendant's Lawyer Mr. MATTHEW TILGHMAN-HAVENS; because of the way they treated Mohamed abdelkadir in the court.

"Also the Judge said to Mohamed do you know what they are saying to you" The Judge is supposed to know that Mohamed responded to the defendant's briefing on April 5, 2010 and filed with court and was Mailed via CERTIFY U.S Mail to the defendant's LAWYERS.

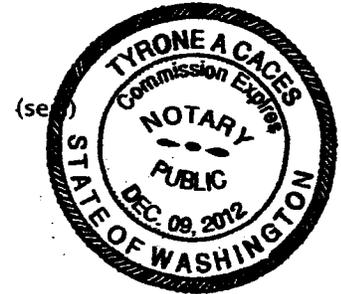
Why did the Judge tried to intimidate Mohamed? I believe that the Judge was not trying to hear anything Mohamed was saying. She claimed that Mohamed was bringing up new stuff. But as I sat in the court, he was reading from the same transcript paper she (Judge) had on her desk.

Very Truly Joann Pitera April 29, 2010  
Joann Pitera

State of Washington  
County of King  
On May 10, 2010, before me Tyrone A. Caces  
Date \_\_\_\_\_ notary  
Personally appeared, Joann Pitera  
(Signers)

personally known to me -- OR --  
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument

WITNESS my hand and official seal



(notary signature) Tyrone A. Caces

RECEIVED  
In King County Superior Court Clerk's Office  
MAY 13 2010  
Clerker Section  
Superior Court Clerk

RECEIVED  
COURT OF APPEALS  
DIVISION ONE  
MAY 13 2010

**ATTACHMENT "CABR 111-112 OF 124"**

**Report harassment to the Regional Human Resources Manager CSK Auto prior  
left my Employment according the Rules of ESD.**

Confirmation Report - Memory Send

Page : 001
Date & Time: 09-16-2008 09:25am
Line 1 :
Line 2 :
Machine ID : FedEx Kinko's

Job number : 859
Date : 09-16 09:24am
To : 16026045410
Number of pages : 001
Start time : 09-16 09:24am
End time : 09-16 09:25am
Pages sent : 001
Status : OK

Job number : 859 \*\*\* SEND SUCCESSFUL \*\*\*

September 15, 2008

Mohamed Abdelkader
P.O. Box 35704
Seattle, WA 98168
(206) 361-0421

Jim Murray
Regional Human Resources Manager
CSC Auto
2402N Street NW Auburn, WA 98001
Telephone: 253-831-4725 Fax: 253-804-5410
Re: request for intervention with Greg Little and assistance in resolving work area safety issue.

Dear Mr. Murray

I have been working for this organization for over Ten (10) months. I believe that I have been doing a very good job and was quite satisfied. However on several occasions confronted by a co-worker named Greg Little on March 2008 was intervene when I requested for my break time which is required by Washington State law or labor industry. Greg Little told me go home, if you do not like the job I have told him that is not your issue. I have informed to the lead his name Nikol Sokolov (Deputy).
The most recent incident was September 10, 2008 AM shift.
Mr. Little has some serious problems with control. I am advising your office that I believe Mr. Little is unstable. I am advising and asking your office to intervene. In fact I have learned that Mr. Little is taking psychotropic drugs for his problem however my co-worker informed me to watch out from Greg Little that his making histories about me.
On or September 10, 2008 Mr. Little accused me about he wanted me done. I explained to him that is not his role to tell me what to do or to supervise me. Mr. Little told me that since he was hired before me that must do as he commands. I told him that was not true and asked him to stop harassing me and bothering me so that I might my job done. He began to argue at me Mr. Little Or overheard part of the argument. I believe that Mr. Little and I should not work the same shift. Or I should resign from this bad environment with good or with excellent recommendation letter.
Please ask about my work all the stories I make delivers.
I told one of the manager David Chorn, he overheard a small part of the argument, that is the argument was started by Mr. Little and that I would like Mr. Little to stop. The manager said that it was not our problems and what he should not do anything about it. I told the manager that Mr. Little makes the work place unbearable and unsafe. The manager said he did not heard from Mr. Little or Mr. Little said.
I am very concerned about his situation he addressed and resolved. I am therefore seeking your advice and assistance to this matter.
Please forward my and all written responses to this to my address listed above in your convenience.
Thank you in advance for your prompt consideration and cooperative in this matter if you have any question or concerns please feel free to contact me at the address listed.

Very Truly

Mohamed Abdelkader

RECEIVED RECEIVED
AUG 06 2009 SEP 03 2009
Employment Security Commissioner's Review Office
Employment Security Dept. Commissioner's Review Office

September 15, 2008

Mohamed Abdalkadir  
P.O Box 25794  
Seattle, WA 98165  
(206) 361-0421

Jim Murray  
Regional Human Resources Manager  
CSK Auto

2402R, Street NW Auburn, WA 98001  
Telephone# 253-931-4795-fax#602-604-5410

Re: request for intervention with Greg Little and assistance in resolving work area safety issue.

Dear Mr. Murray

I have been working for this organization for over Ten (10) months. I believe that I have been doing a very good job and was quite satisfied. However on several Occasions confronted by a co-worker named Greg Little on March 2008 was intervene when I requested for my break time which is required by Washington State law or labor industry Greg Little told me go home, if you do not like the job I have told him to Greg Little that is not your issue. I have informed to the lead his name Nikul Solanki (Depot).

The most recent incident was September 10, 2008 A.M shift.

Mr. Little has some serious problems with control. I am advising your office that I believe Mr. Little is unstable. I am advising and asking your office to intervene. In fact I have learned that Mr. Little is taking psychotropic drugs for his problems; however my co- worker informed me to watch out form Greg Little that his making histories about me.

On or September 10, 2008 Mr. little accosted me about he wanted me done. I explained to him that is not his role to tell me what to do or to supervise me. Mr. Little told me that since he was hired before me that must do as he commands. I told him that was not true and asked him to stop harassing me and bothering me so that I might my job done. He began to argue at me Ms.Leslie Orr overhead part of the argument. I believe that Mr. Little and I should not work the same shift. Or I should resign from this bad environment with good or with excellent recommendation letter.

Please ask about my work all the stories I make delivers.

I told one of the manager David Coborn, he overheard a small part of the argument, that it the argument was started by Mr. Little and that I would like Mr. Little to stop. The manager said that it was not our problems and that he should not do anything about it. I told the manager that Mr. Little makes the work place unbearable and unsafe. The manager said he did not heard hear Mr. Little or Mr. Little said.

I am very concerned that his situation be addressed and resolved. I am therefore seeking your advice and assistance in this matter.

Please forward any and all written response to this to my address listed above in your convenience.

Thank you in advance for your prompt consideration and cooperative in this matter if you have any question or concerns please feel free to contact me at the address listed.

Very Truly

  
Mohamed Abdalkadir

RECEIVED  
AUG 06 2008  
Employment Security L  
Commissioner's Review Office

RECEIVED  
SEP 03 2008  
Employment Security Dept.  
Commissioner's Review Office

Mohamed Abdelkadir  
P.O Box 25794  
Seattle, WA 98165  
(206) 361-0421

October 01, 2010

The Court of appeal of the State  
OF Washington in Seattle  
Division 1 One Union Square  
600-University street  
Seattle, WA 98101

**Mohamed Abdelkadir,**

Petitioner

**Vs.**

, STATE OF WASHINGTON DEPARTMENTS  
OF EMPLOMENT SECURITY.

) **Case No. 65402-1-1**  
) **Plaintiff's Certificate of service**  
)  
)  
)  
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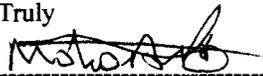
**Respondent**

, Mohamed Abdelkadir declare under penalty of perjury under the laws of the state of Washington that on October 01, 2010,I served a true and correct copy of the APPEAL BRIEF FOR PETITIONER to the Court of Appeal in Seattle and Of this documents and attached documents was Mailed via CERTIFY U.S Mail with proper potage attached to:

Richard D, Johnson  
Court Administrative/Clerk  
The Court of appeal of the State  
OF Washington in Seattle  
Division 1 One Union Square  
600-University street  
Seattle, WA 98101

Dionne Maren Padilla-Huddleston  
Assistant Attorney General  
PO Box 40110  
Olympia, WA 98504-0110

Very Truly



----- October 01, 2010

Mohamed Abdelkadir, Pro se  
PO Box 25794  
Seattle, WA 98165  
(206) 361-0421.