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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A10-1860**

Sharon Olson,
Relator,

vs.

Hudson Co., Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed July 18, 2011
Affirmed
Peterson, Judge**

Department of Employment and Economic Development
File No. 25683842-3

Sharon A. Olson, Ellsworth, Wisconsin (pro se relator)

Hudson Company, Inc., Mendota Heights, Minnesota (respondent employer)

Lee B. Nelson, Christina Altavilla, Department of Employment and Economic
Development, St. Paul, Minnesota (for respondent department)

Considered and decided by Peterson, Presiding Judge; Minge, Judge; and
Muehlberg, Judge.*

* Retired judge of the district court, serving as judge of the Minnesota Court of Appeals
by appointment pursuant to Minn. Const. art. VI, § 10.

UNPUBLISHED OPINION

PETERSON, Judge

Relator challenges the decision of an unemployment-law judge (ULJ) that she is ineligible to receive unemployment benefits because she quit her employment without a good reason caused by the employer. We affirm.

FACTS

Relator Sharon Olson worked for respondent Hudson Co., Inc. from March 9, 2009, through June 11, 2010, performing clerical work. Relator lives in Ellsworth, Wisconsin and traveled a round-trip distance of about 84 miles to reach her job in Mendota Heights. On June 11, 2010, Donna Constance, who was the head of the brokerage division, informed relator that her start time was changing from 6:00 a.m. to 7:30 a.m. to better accommodate business needs. Relator was uncomfortable driving in rush-hour traffic and told Constance that she wanted to speak with the owner. Constance indicated that she would call the owner herself and would get back to relator over the weekend. Relator never heard from Constance and did not report to work on Monday.

Relator filed a claim for unemployment benefits with respondent Department of Employment and Economic Development. A department adjudicator determined that relator was ineligible for unemployment benefits because she did not quit for a good reason caused by her employer. Relator appealed to a ULJ. Following an evidentiary hearing, the ULJ determined that relator quit her employment without a good reason caused by the employer and, therefore, was ineligible for unemployment benefits.

Relator filed a request for reconsideration. The ULJ affirmed the initial decision. This certiorari appeal followed.

D E C I S I O N

An applicant who quits employment is not eligible for unemployment benefits unless a statutory exception applies. Minn. Stat. § 268.095, subd. 1 (2010). One exception applies if an applicant quit employment for a good reason caused by the employer. *Id.*, subd. 1(1). A good reason caused by the employer is a reason “(1) that is directly related to the employment and for which the employer is responsible; (2) that is adverse to the worker; and (3) that would compel an average, reasonable worker to quit and become unemployed rather than remaining in the employment.” *Id.*, subd. 3(a) (2010).

The reason why an individual quit employment is a fact question for the ULJ to determine. *See Beyer v. Heavy Duty Air, Inc.*, 393 N.W.2d 380, 382 (Minn. App. 1986) (reviewing determination of reason employee quit as fact question). “We view the ULJ’s factual findings in the light most favorable to the decision, giving deference to the credibility determinations made by the ULJ. In doing so, we will not disturb the ULJ’s factual findings when the evidence substantially sustains them.” *Skarhus v. Davanni’s Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006) (citations omitted). Whether an applicant had a good reason to quit caused by the employer is a legal question, which this court reviews de novo. *Peppi v. Phyllis Wheatley Cmty. Ctr.*, 614 N.W.2d 750, 752 (Minn. App. 2000).

The ULJ found:

[T]he evidence shows that [relator] quit her employment with Hudson Company Inc. when she was advised that her starting time was going to be changed from 6:00 a.m. to 7:30 a.m. While this may have resulted in [relator] having to commute through heavier rush hour traffic, this is not such a substantial or adverse change in the conditions of employment as would compel the average, reasonable worker to quit and become unemployed rather than remaining in the employment. The same is true of [relator's] other complaints about the job. [Relator] expressed frustration about not receiving proper training from one individual instead of receiving instructions from a number of employees about how her job was to be done. [Relator] also indicated dissatisfaction with what she referenced as hostile treatment of co-worker. The record, however, does not show any abusive behavior directed at [relator]. [Relator] indicated that the co-worker did not always immediately respond to her requests for information. This is not necessarily uncommon or inappropriate. The operations manager testified that the individual was busy with her own duties as well. [Relator's] complaint that the individual at times ignored and/or [did not] respond to her also does not amount to such unreasonable treatment as would compel the average, reasonable worker to quit. . . . [Relator] did not quit because of a good reason caused by Hudson Company, and no other exception to ineligibility applies.

Relator argues that she was forced to quit her employment because of “[t]he hostile work environment, the vulgar vocabulary, [and] the lack of training.” But a good reason caused by the employer “does not encompass situations where an employee experiences irreconcilable differences with others at work or where the employee is simply frustrated or dissatisfied with [her] working conditions.” *Portz v. Pipestone Skelgas*, 397 N.W.2d 12, 14 (Minn. App. 1986). Also, an employee does not have good

reason to quit caused by her employer when there is merely disharmony between the employee and a supervisor. *Bongiovanni v. Vanlor Invs.*, 370 N.W.2d 697, 699 (Minn. App. 1985) (concluding that employee did not have a good reason to quit when her supervisor made it clear that he wanted to get rid of her, stopped talking to her, and greatly reduced her work duties).

Substantial evidence supports the ULJ's finding that relator quit her "employment effective June 11, 2010, after she was advised that her hours of work were to be changing." That evidence includes the reason provided by relator in response to the department's request for information and the testimony of relator at the hearing before the ULJ. Even though the change in relator's work hours meant that she would have to commute through heavier rush-hour traffic, the heavier traffic is not something that would compel an average, reasonable worker to quit and become unemployed rather than remain in the employment. Similarly, even if all of relator's claims about her work environment are true, they do not describe conditions that would compel an average, reasonable worker to quit her employment. The ULJ did not err in determining that relator did not quit her employment for a good reason caused by the employer.

Affirmed.