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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A10-2115**

George Lanahan,
Relator,

vs.

Bureau of Census FY2010 Decennial Census (FIC 913/DEST1),
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed August 22, 2011
Affirmed
Worke, Judge**

Department of Employment and Economic Development
File No. 25966364-3

Mark A. Greenman, Minneapolis, Minnesota (for relator)

Bureau of Census-FY 2010 Decennial Census, c/o Talx UC Express, St. Louis,
Missouri (respondent employer)

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

Considered and decided by Worke, Presiding Judge; Connolly, Judge; and Willis, Judge.*

UNPUBLISHED OPINION

WORKE, Judge

Relator challenges the determination by an unemployment-law judge (ULJ) that he is ineligible for unemployment benefits, arguing that he quit his employment for a good reason caused by his employer or, alternatively, that he was discharged. We affirm.

DECISION

Relator George Lanahan challenges the ULJ's decision that he is ineligible to receive unemployment benefits. When reviewing the decision of a ULJ, this court may affirm the decision, remand for further proceedings, or reverse or modify the decision if the substantial rights of the relator have been prejudiced. Minn. Stat. § 268.105, subd. 7(d) (2010). This court reviews the ULJ's factual findings "in the light most favorable to the decision," and 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). And "[c]redibility determinations are the exclusive province of the ULJ and will not be disturbed on appeal." *Id.* at 345.

Relator was employed by respondent Bureau of Census FY2010 from March 23, 2009, to August 17, 2010, and first challenges the ULJ's finding as to why he quit his employment. An applicant who quits employment is ineligible for unemployment

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

benefits unless an exception applies. Minn. Stat. § 268.095, subd. 1 (2010). The specific reason why an employee quits his employment is a question of fact for the ULJ. *See Beyer v. Heavy Duty Air, Inc.*, 393 N.W.2d 380, 382 (Minn. App. 1986) (reviewing a determination of a reason for quit as fact question).

Relator argues that he quit his employment for a lack of work, not to care for his niece as the ULJ found, and that this lack of work qualifies as a good reason to quit employment caused by the employer. *See* Minn. Stat. § 268.095, subd. 1(1) (stating that an exception to ineligibility exists when an employee quits because of a good reason caused by the employer). But relator testified at the evidentiary hearing that he told his manager, “I don’t know at this point if there’s additional work that will be forthcoming. And I know you don’t know either . . . but at this point and time, I feel like I need to get back” to Virginia to care for his niece. This testimony was consistent with relator’s initial application for benefits. And relator admitted at the evidentiary hearing that he could have been paid for three additional days of work after he quit, indicating that work was still available to him when he decided to end his employment. The record substantially supports the ULJ’s finding that relator quit his employment to care for his niece, without requesting any accommodation to qualify for the medical-emergency exception. *See id.*, subd. 1(7)(ii) (stating that an exception to ineligibility exists when an employee quits to provide care for an immediate family member suffering from an illness or injury).

Relator alternatively argues that he was discharged. “A quit from employment occurs when the decision to end the employment was, at the time the employment ended,

the employee's." *Id.*, subd. 2(a) (2010). "A discharge from employment occurs when any words or actions by an employer would lead a reasonable employee to believe that the employer will no longer allow the employee to work for the employer in any capacity." *Id.*, subd. 5(a) (2010). "Whether an employee has been discharged or voluntarily quit is a question of fact." *Nichols v. Reliant Eng'g & Mfg., Inc.*, 720 N.W.2d 590, 594 (Minn. App. 2006) (quotation omitted).

Relator argues that he was effectively laid off at the end of his employment: he had completed his current project, the Minneapolis operations were about to close, and he would not have received any additional projects had his employment lasted past August 17. But relator testified at the hearing that he did not know for certain that the Minneapolis operations would cease when he approached his manager about his niece's condition. And relator acknowledged that he could have been paid for three additional days of work after the date that he quit his employment. The evidence substantially supports the ULJ's determination that relator voluntarily quit his employment.

Affirmed.