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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A11-544**

Stephanie Walters,
Relator,

vs.

Minnesota Department of Corrections,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed January 3, 2012
Affirmed
Minge, Judge**

Department of Employment and Economic Development
File No. 26588192-3

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Minnesota Department of Corrections, St. Paul, Minnesota (respondent employer)

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Considered and decided by Kalitowski, Presiding Judge; Minge, Judge; and Ross,
Judge.

UNPUBLISHED OPINION

MINGE, Judge

Relator challenges the unemployment law judge's (ULJ) denial of unemployment benefits, asserting that she had good reason to quit her employment caused by her employer. We conclude that relator's perception of a workplace dilemma does not constitute a good reason to quit and affirm.

FACTS

Relator Stephanie Walters was employed as a corrections officer with the Minnesota Department of Corrections (DOC). In November 2010, Walters met with her direct supervisor and a program director to discuss her enforcement of DOC rules. Walters testified that she was told in that meeting that she was being "too strict" in enforcing the rules, a direction that she believed conflicted with her training to "enforce every rule." As a result, Walters believed that she could be disciplined for either moderating enforcement or for strictly enforcing rules as originally instructed. The program director testified that Walters was not told that she was enforcing DOC rules too harshly but was told that she needed to learn "how to apply enforcement of the rules in different ways and in a consistent manner." The program director testified further that she did not believe that any corrections officer had been disciplined because the officer followed the direction of her supervisors to the exclusion of her training. The program director added that a corrections officer would be able to appeal in the event that such discipline took place. Walters testified that she quit her employment with DOC as a direct result of this meeting.

Walters applied for unemployment benefits and was initially determined eligible. DOC appealed. After an evidentiary hearing, the ULJ found Walters to be ineligible for unemployment benefits because she did not quit for a good reason caused by her employer. This certiorari appeal follows.

D E C I S I O N

The issue on appeal is whether Walters quit her employment for a good reason caused by the employer. Identification of the reason for quitting employment is a fact inquiry for the ULJ. *See Midland Elec., Inc. v. Johnson*, 372 N.W.2d 810, 812 (Minn. App. 1985). “[W]e 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). We defer to the ULJ’s credibility determinations and evaluation of conflicting evidence. *Id.*; *see also* Minn. Stat. § 268.105, subd. 7(d)(5) (2010) (addressing review of ULJ’s decision for whether findings are supported by substantial evidence). Once the facts are determined, whether they constitute 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); *see also* Minn. Stat. § 268.105, subd. 7(d)(4) (2010) (addressing review of ULJ’s decision for error of law).

A person who voluntarily quits employment is ineligible to receive unemployment benefits unless the applicant quit employment for a good reason caused by the employer. Minn. Stat. § 268.095, subd. 1(1) (2010). A good reason is one “(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). This analysis “must be applied to the specific facts of each case.” *Id.*, subd. 3(b) (2010). “Notification of discharge in the future . . . is not considered a good reason caused by the employer for quitting.” *Id.*, subd. 3(e) (2010). Nor is certain or actual discipline a good reason to quit employment. *Hein v. Precision Assocs., Inc.*, 609 N.W.2d 916, 918 (Minn. App. 2000).

Walters testified that she quit her employment at DOC as a direct result of a performance-review meeting with her direct supervisor and the program director. Walters believed that the direction she received in the meeting put her in an untenable position because it potentially exposed her to disciplinary action no matter what she did. She believed she could be disciplined by her direct supervisor for strictly enforcing DOC rules or, if she followed the directive to moderate her approach, by other supervisors for failing to strictly enforce DOC rules. This belief appears to have been speculative, however, because Walters was never disciplined for her enforcement of DOC rules and because the program director testified she had never seen discipline of a corrections officer on those grounds. Moreover, as the ULJ stated, Walters could have asked for instruction on enforcement of the rules or appealed any discipline that she did receive. Walters believed that she was facing a workplace dilemma and inevitable discipline, but no discipline was ever discussed, threatened, or incurred. This apprehension of discipline would not compel a reasonable and average worker to become unemployed. Because discipline was never threatened or received and because the prospect or receipt of

reasonable discipline does not constitute a good reason to quit employment, Walters's belief that she could be disciplined is not a good reason to quit employment.

Because even certain discipline is not a good reason to quit and because Walter's apprehension would not cause a reasonable and average worker to become unemployed, we affirm.

Affirmed.

Dated: