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Minn. Stat. § 480A.08, subd. 3 (2006).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-2406**

Angela M. Dodd,
Relator,

vs.

Ritchie Engineering Co. Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed November 10, 2008
Affirmed
Peterson, Judge**

Department of Employment and Economic Development
File No. 11910 07

Angela M. Dodd, 14620 Loomis, Harvey, IL 60426 (pro se relator)

Ritchie Engineering Co. Inc., 10950 Hampshire, Bloomington, MN 55438 (respondent)

Lee B. Nelson, Katrina I. Gulstad, First National Bank Building, 332 Minnesota Street,
Suite E200, St. Paul, MN 55101-1351 (for respondent Department of Employment and
Economic Development)

Considered and decided by Klaphake, Presiding Judge; Peterson, Judge; and
Shumaker, Judge.

UNPUBLISHED OPINION

PETERSON, Judge

This certiorari appeal is from a decision of an unemployment-law judge (ULJ) that relator is disqualified from receiving unemployment benefits because she quit her employment without a good reason caused by the employer. We affirm.

FACTS

Relator Angela M. Dodd was employed by respondent Ritchie Engineering Co. Inc. On May 29, 2007, relator's father told her that he was going to the hospital and needed surgery. Relator received six weeks of medical leave under the Family and Medical Leave Act (FMLA) to help take care of her father and her mother, who has Alzheimer's disease. Her father's condition worsened, and at the end of her FMLA leave, relator told her employer that she had to quit her employment and move to Chicago to take care of her parents.

Respondent Department of Employment and Economic Development determined that relator was disqualified from receiving unemployment benefits because she quit her employment without a good reason caused by the employer. Relator appealed, and after a hearing, a ULJ also determined that she was disqualified and affirmed on reconsideration. This certiorari appeal followed.

DECISION

This court may overturn or modify a ULJ's decision if the petitioner's substantial rights

may have been prejudiced because the findings, inferences, conclusion, or decision are:

- (1) in violation of constitutional provisions;
- (2) in excess of the statutory authority or jurisdiction of the department;
- (3) made upon unlawful procedure;
- (4) affected by other error of law;
- (5) unsupported by substantial evidence in view of the entire record as submitted; or
- (6) arbitrary or capricious.

Minn. Stat. § 268.105, subd. 7(d) (Supp. 2007). When reviewing the ULJ's findings to determine whether they are supported by substantial evidence, we defer to the ULJ's credibility determinations. *Nichols v. Reliant Eng'g & Mfg., Inc.*, 720 N.W.2d 590, 594 (Minn. App. 2006)

It is undisputed that relator quit her employment. An applicant who quit employment is disqualified from receiving unemployment benefits unless a statutory exception applies. Minn. Stat. § 268.095, subd. 1 (2006). An exception applies when "the applicant quit the employment because of a good reason caused by the employer." Minn. Stat. § 268.095, subd. 1(1) (2006). 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." Minn. Stat. § 268.095, subd. 3(a) (2006). "A good personal reason does not equate with good cause" to quit. *Kehoe v. Minn. Dep't of Econ. Sec.*, 568 N.W.2d 889, 891 (Minn. App. 1997) (quotation omitted). "The determination that an employee quit without good reason [caused by] the employer is a legal conclusion, but the

conclusion must be based on findings that have the requisite evidentiary support.” *Nichols*, 720 N.W.2d at 594 (citing *Zepp v. Arthur Treacher Fish & Chips, Inc.*, 272 N.W.2d 262, 263 (Minn. 1978)).

The evidence supports the ULJ’s findings. Relator testified that, after taking FMLA leave time, she told her employer that she “wouldn’t be able to come back” to work because she needed to relocate to Chicago to take care of her parents. She testified that she had “no problem with [her] work” and that her decision to leave was based entirely on her family situation. Relator does not allege, and nothing in the record suggests, that relator’s employer caused the situation that resulted in relator quitting her employment.

Because relator quit her employment and her reason for quitting was not caused by her employer, we conclude that under the plain language of Minn. Stat. § 268.095, subds. 1(1), 3(a), relator is disqualified from receiving unemployment benefits. Relator had a good personal reason to quit, and her effort to care for her parents is admirable. But “[t]here is no equitable or common law . . . allowance of unemployment benefits.” Minn. Stat. § 268.069, subd. 3 (Supp. 2007). Therefore, because relator has not identified any statutory exception that applies to her decision to quit her employment, we affirm the decision of the ULJ.

Affirmed.