STATE OF MINNESOTA
IN COURT OF APPEALS
A17-0237

Crysta Anglin,
Relator,

vs.

Mayo Foundation for Medical Education & Research,
Respondent,

Department of Employment and Economic Development,
Respondent.

Filed August 28, 2017
Affirmed
Toussaint, Judge*

Department of Employment and Economic Development
File No. 35029227-3

Crysta Anglin, Wichita, Kansas (pro se relator)

Mayo Foundation for Medical Education & Research, Rochester, Minnesota (respondent employer)

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

Considered and decided by Ross, Presiding Judge; Connolly, Judge; and Toussaint, Judge.

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

U N P U B L I S H E D O P I N I O N

TOUSSAINT, Judge

In this certiorari appeal, relator challenges an unemployment-law judge's (ULJ's) affirmation of her ineligibility for unemployment benefits, arguing that her reason for quitting falls within one of the exceptions in Minn. Stat. § 268.095, subd. 1 (2016). We affirm.

D E C I S I O N

Generally, an individual who quits employment is ineligible for unemployment benefits unless one of ten enumerated exceptions applies. Minn. Stat. § 268.095, subd. 1 (2016). When reviewing a ULJ's determination of ineligibility, this court may affirm the decision, remand the case for further proceedings, or reverse or modify the decision if the relator's substantial rights have been prejudiced because the findings, inferences, conclusion, or decision are affected by an error of law or are unsupported by substantial evidence in view of the record as a whole. Minn. Stat. § 268.105, subd. 7(d) (2016). "Whether a claimant is properly disqualified from the receipt of unemployment benefits is a question of law, which this court reviews de novo." *Hayes v. K-Mart Corp.*, 665 N.W.2d 550, 552 (Minn. App. 2003), *review denied* (Minn. Sept. 24, 2003). We view the ULJ's factual findings in the light most favorable to the decision and will not disturb them when they are substantially sustained by the evidence. *Peterson v. Nw. Airlines Inc.*, 753 N.W.2d 771, 774 (Minn. App. 2008), *review denied* (Minn. Oct. 1, 2008).

Pro se relator Crysta Anglin does not dispute that she quit her employment with the Mayo Foundation for Medical Education & Research (Mayo). Instead, Anglin argues she

quit for a reason that falls within at least one of four statutory exceptions: (1) a good reason caused by her employer; (2) medical necessity; (3) entrance into reemployment assistance training; and (4) domestic abuse. We address each argument in turn.

1. Good reason caused by employer

Anglin first argues that the ULJ erred in determining that she did not meet the exception for employees who quit because of a good reason caused by their employer. Whether an employee quit for a good reason attributable to the employer is a question of law that this court reviews de novo. *Johnson v. Walch & Walch, Inc.*, 696 N.W.2d 799, 800 (Minn. App. 2005), *review denied* (Minn. July 19, 2005). The statute defines a good reason caused by the employer as "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) (2016).

The ULJ found that Anglin did not quit for a good reason caused by the employer as defined in Minnesota Statutes, section 268.095, subdivision 3, explaining that:

> A preponderance of the evidence shows that Anglin quit her employment because of dissatisfaction with the temporary assignments and uncertainty about her future. Mayo provided Anglin employment but was not required to do so. Anglin was not required to accept the temporary assignments. Providing hours to an injured employee when doing so is not required is not a situation that is so adverse that the average, reasonable employee would quit the employment and become unemployed rather than remain in the employment. The exception does not apply.

We conclude that substantial evidence in the record supports this finding. The ULJ therefore did not err in concluding that Anglin did not meet the requirements for this exception.

Although Anglin argues that she quit because there was no work for her, she was working on a temporary assignment when she quit. Anglin started working as a full-time laboratory services technician at Mayo on September 21, 2015. On February 8, 2016, Anglin fell on the ice on the way to work and fractured her right, dominant, wrist and became unable to perform her job as a lab tech. On its own initiative, Mayo provided Anglin with four different temporary work assignments to accommodate her injury. On August 22, 2016, Anglin told her supervisor she intended to quit because, "It had been 7 months since [her] injury and [she] did not know if or when [she] would be able to return to [her] job [as a lab tech]." Anglin conceded at the hearing that she quit because she did not like the temporary work assignments since they were boring busy work, and she did not know when she would be able to return to the lab. And the Mayo representative testified at the hearing that continuing work in the form of a temporary work assignment would have been available to Anglin if she had not quit. Anglin's last day of work was on September 2, 2016.

As to the second and third factors, Anglin argues that Mayo's temporary work assignments were so boring, and her future so uncertain, that an average reasonable worker would quit and become unemployed rather than remain in the position. We are not persuaded. As to the third factor, "there must be some compulsion produced by extraneous and necessitous circumstances." *Werner v. Med. Prof'ls LLC*, 782 N.W.2d 840, 843 (Minn.

App. 2010) (quotations omitted), *review denied* (Minn. Aug. 10, 2010). We use an objective standard to determine whether the reason would compel a reasonable worker to quit. *Id.* Working in a boring temporary assignment for an indefinite period of time at one's normal pay rate might be unpleasant, but it is not a reason that would compel an average, reasonable worker to quit and become unemployed rather than remaining in the employment, especially when an injury hinders the employee from working in their chosen position.

2. Medical necessity

Anglin also argues that the ULJ erred by determining that she did not meet the medical-necessity exception to ineligibility. An unemployment applicant who quit employment because the employee's serious illness or injury made it medically necessary to quit is eligible for unemployment benefits only if (1) the applicant informed the employer of her medical problem; (2) requested an accommodation; and (3) the employer failed to provide a reasonable accommodation. Minn. Stat. § 268.095, subd. 1(7). Here, the ULJ found that, "At the time Anglin quit her employment, there was no medical reason to justify quitting." We agree.

Viewing the facts in the light most favorable to the decision, substantial evidence supports the ULJ's finding that no medical reason justified Anglin's decision to quit. Anglin informed her employer of her medical problem, but she admits that she did not request a reasonable accommodation. And Mayo spontaneously provided reasonable accommodations to Anglin in the form of temporary assignments, which she ultimately rejected because the temporary positions were boring. At the hearing, when asked if there

was a medical reason she quit on September 2, Anglin replied, "[n]ot really just lack of work." Anglin also admitted that no medical professional advised her to quit.

3. Reemployment assistance training and domestic abuse

Anglin also argues for the first time on appeal that she is eligible for unemployment benefits because (1) she quit to enter reemployment assistance training because her employment was unsuitable; and (2) because of domestic abuse. We decline to consider these arguments because they were raised for the first time on appeal. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (stating that generally an appellate court will not consider matters not argued and considered below); *see also Hentges v. Minn. Bd. of Water & Soil Res.*, 638 N.W.2d 441, 448 (Minn. App. 2002) (applying *Thiele* in an administrative appeal), *review denied* (Minn. Mar. 27, 2002). Even if we did consider these arguments, they are without merit. There is no information in the record from which the court could determine that Anglin quit her employment with Mayo to enter reemployment assistance training. The record is also devoid of any information about domestic abuse, and Anglin admits that the domestic violence happened in another state before she started working for Mayo.

Affirmed.