

*This opinion will be unpublished and
may not be cited except as provided by
Minn. Stat. § 480A.08, subd. 3 (2016).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-0159**

Curtis McCoy,
Relator,

vs.

Peopleready, Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed September 24, 2018
Affirmed
Kirk, Judge**

Department of Employment and Economic Development
File No. 36000517-3

Curtis McCoy, Flint, Michigan (pro se relator)

Peopleready, Inc., St. Louis, Missouri (respondent employer)

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

Considered and decided by Kirk, Presiding Judge; Reilly, Judge; and Smith, Tracy
M., Judge.

UNPUBLISHED OPINION

KIRK, Judge

Pro se relator challenges the determination that he is ineligible for unemployment benefits because he quit his employment. Relator argues that the unemployment-law judge impermissibly determined him ineligible for unemployment benefits for different reasons than those stated in the initial determination of ineligibility and that the unemployment-law judge failed to penalize his employer for submitting false paperwork. We affirm.

FACTS

Respondent Peopleready, Inc., a staffing service, hired realtor Curtis McCoy to complete various job assignments. On August 22, 2017, Peopleready assigned relator to work for R & L Installation as a general helper, putting together bedframes. The assignment was expected to last four days. Two hours into relator's first day, the R & L Installation supervisor, who was not a Peopleready employee, made several critical comments to relator including: "you ain't moving fast enough"; "if you don't like the way I'm talking to you, you can leave right now"; and "the white guy, he learned how to do the job faster than you." Relator initially responded by telling the supervisor, "[Y]ou sound racial" and "you ain't given (sic) me a chance." Relator ultimately told the supervisor, "I'm out of here," and tried to find someone to sign a form stating that he had worked for two hours. Relator testified that "[t]hey didn't tell me to leave. I quit on my own." Relator did not contact Peopleready before he left the jobsite.

Peopleready did not offer relator any more work assignments due to a report that he was confrontational during the incident and his refusal to participate in an investigation

into the incident. Peopleready filed a report with respondent Minnesota Department of Employment and Economic Development (DEED) stating that relator had been discharged for misconduct.

After relator filed for unemployment benefits, DEED issued an initial determination of ineligibility, determining that relator was ineligible for benefits because he was discharged for employment misconduct. Relator appealed that decision, and the matter was referred to an unemployment-law judge (ULJ) for a de novo evidentiary hearing. The ULJ explained at the start of the hearing that he would first determine whether relator quit his employment or was discharged, and then, depending on his determination, he would determine whether relator quit for a good reason caused by the employer or was discharged because of misconduct. Relator and representatives from Peopleready testified during the hearing. Following the hearing, the ULJ found that relator was not eligible for benefits because he quit his employment and no exception applies. Relator filed a request for reconsideration, and the ULJ affirmed his decision.

Relator appeals.

D E C I S I O N

“[W]e review findings of fact in the light most favorable to the ULJ’s decision and will rely on findings that are substantially supported by the record.” *Stassen v. Lone Mountain Truck Leasing, LLC*, 814 N.W.2d 25, 31 (Minn. App. 2012). “We review de novo a ULJ’s determination that an applicant is ineligible for unemployment benefits.” *Id.* at 30.

Here, relator does not directly challenge the ULJ's findings but argues that the ULJ only had the authority to review DEED's initial determination that he was fired for misconduct and that the ULJ abused his discretion by determining that relator quit. Relator cites no support for his position, and his argument is without merit. Following an appeal of an initial determination of eligibility, the chief ULJ sets a de novo hearing. Minn. Stat. § 268.105, subd. 1(a) (2016); *see also In re Evjen*, 653 N.W.2d 212, 213 (Minn. App. 2002) (“If the commissioner’s original determination is timely appealed, a de novo evidentiary hearing is held before an unemployment law judge.”). Here, the ULJ properly conducted a de novo hearing and made findings based on the evidence before him.

Relator does not challenge the ULJ's finding that he quit his job with Peopleready and has forfeited review of that issue. *See Melina v. Chaplin*, 327 N.W.2d 19, 20 (Minn. 1982); *see also Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001) (“Although some accommodations may be made for pro se litigants, this court has repeatedly emphasized that pro se litigants are generally held to the same standards as attorneys and must comply with court rules.”). Nevertheless, we briefly address that issue.

“A quit from employment occurs when the decision to end the employment was, at the time the employment ended, the employee’s.” Minn. Stat. § 268.095, subd. 2(a) (Supp. 2017). This court has held that an employee of a temporary-staffing agency who refuses to complete an ongoing assignment is considered to have quit employment. *Lamah v. Doherty Emp’t Grp., Inc.*, 737 N.W.2d 595, 598-99 (Minn. App. 2007); *see also McDonnell v. Anytime Temporaries*, 349 N.W.2d 339, 340-41 (Minn. App. 1984) (affirming that employee voluntarily discontinued employment where employee worked

one day of a two-week job assignment and refused to complete it). Accordingly, when relator refused to complete his ongoing assignment with R & L Installation, he quit his employment with Peopleready.

An individual who has quit his employment is ineligible for unemployment benefits unless one of ten exceptions applies. Minn. Stat. § 268.095, subd. 1 (Supp. 2017). Relator does not argue that any of these exceptions apply, but we note that the only exception that might apply is if relator quit for a good reason caused by the employer. *Id.*, subd. 1(1). However, the good-reason exception requires that an applicant “complain to the employer and give the employer a reasonable opportunity to correct the adverse working conditions before that may be a good reason caused by the employer for quitting.” Minn. Stat. § 268.095, subd. 3(c) (Supp. 2017). Because relator did not give Peopleready an opportunity to correct the working conditions, the good-reason exception does not apply. The ULJ correctly determined that relator is ineligible for unemployment benefits because he quit his employment and no exception applies.

Relator also argues that the ULJ erred by failing to fine Peopleready under Minn. Stat. § 268.184 (Supp. 2017), which provides for administrative penalties for employers that make false statements to prevent an employee from receiving unemployment benefits.¹ However, “Minn. Stat. ch. 268, which governs unemployment insurance, does not

¹ Relator argues that the investigative report submitted by Peopleready must be false because it contains a signature date of August 22, 2017 but was printed on September 27, 2017. Without determining whether Peopleready submitted a false report, we note that it is possible that Peopleready completed a report on August 22, saved an electronic version of the report, and then printed a copy of the report on September 27.

authorize a private right of action.” *Burt v. Rackner, Inc.*, 902 N.W.2d 448, 456 (Minn. 2017). Accordingly, relator may not seek to enforce the penalty provisions of Minn. Stat. § 268.184. Furthermore, we note that, even if Peopleready did submit false documentation, that documentation did not affect the ULJ’s decision, which was based on relator’s testimony that he quit his temporary assignment, and therefore appellant suffered no prejudice from any potentially false statements.

Affirmed.