STATE OF MINNESOTA
IN COURT OF APPEALS
A19-0934

Marvin Kimble,
Relator,

vs.

Empire Beauty School,
Respondent,
Department of Employment and Economic Development,
Respondent.

Filed February 3, 2020
Affirmed
Florey, Judge

Department of Employment and Economic Development
File No. 37230198-3

Marvin Kimble, Elko, Minnesota (pro se relator)

Empire Beauty School, c/o EEG, Inc., Pottsville, Pennsylvania (respondent employer)

Anne Froelich, Minnesota Department of Employment and Economic Development, St. Paul, Minnesota (for respondent department)

Considered and decided by Johnson, Presiding Judge; Florey, Judge; and Jesson, Judge.

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

FLOREY, Judge

In this appeal of an unemployment-law judge's (ULJ) determination that relator is ineligible for unemployment benefits, relator argues that he is eligible pursuant to Minn. Stat § 268.095, subd. 1(1) (2018), because he quit his job for a good reason caused by his employer. We affirm.

FACTS

Relator Marvin Kimble worked as an executive director at Empire Beauty School (Empire). When Kimble started at Empire, he worked alongside then-regional-manager of admissions, J.B. Throughout that arrangement, they had a tenuous but manageable working relationship. Approximately six months before Kimble quit, J.B. was promoted to regional-services director—a position to which Kimble reported. Kimble maintains that his relationship with J.B. and her treatment of him eventually became intolerable and compelled him to quit. Kimble alleges that it was the collective effect of a number of instances that made his "life a living nightmare" and amounted to a good reason for quitting caused by his employer.

First, Kimble asserts that J.B. undermined his directions to, and authority over, his subordinates by giving them conflicting information or directives. Kimble also asserts that J.B. made unjustified negative comments about his performance to others, and he points specifically to an instance in which he overheard J.B. say, "Marvin doesn't know what he's doing . . . [so] just do what I tell you," as opposed to what Kimble told the person to do. The final confrontation Kimble identifies took place on his last day. He asserts that he

came into work at 8:40 a.m., and J.B. told him that he was late. Kimble reports that he was "taken back" by this because he is a salaried employee and did not have "a true schedule." Kimble reported his conflicts with J.B. to their mutual supervisor multiple times. He claims that their supervisor advised him to communicate with J.B., asked if the human-resources department needed to get involved, and once told Kimble that she would speak with J.B. herself.

Kimble characterizes all of his conflicts with J.B. as "professional disagreement[s]." He states that while they had arguments, there were no threats of harm, swearing, name-calling, insults, or yelling.[1] Nevertheless, Kimble asserts that his relationship with J.B. resulted in him having high blood pressure and anxiety and that his doctor advised him to limit the stressors in his life. He reports having anxiety attacks at work and getting diagnosed with clinical anxiety.

The ULJ determined that Kimble was not subject to a work environment that would cause a reasonable person to quit prior to finding another job. The ULJ noted that the environment Kimble describes "might cause a reasonable person to seek other employment, but he or she would not quit and become unemployed rather than remaining." The ULJ concluded by noting that it is not unusual for those who work together to have difficulty doing so, but this fact alone is insufficient for an employee who quit to take

[1] Kimble also mentioned that he "truly think[s] [J.B.] doesn't like black people." We do not address this, however, because—save for a single instance from which Kimble inferred that J.B. was not "in touch" with minority and low-income communities—he concedes that "[t]here's nothing that [J.B] ever said to [him] to make [him] believe that" and that his belief is "complete speculation."

advantage of the exception to the general rule that employees who voluntarily quit cannot receive unemployment benefits.

Kimble filed a request for reconsideration. As part of his request, he sought to introduce additional evidence—namely, that J.B. had since been terminated from Empire. Kimble asserts that J.B. was terminated for many of the reasons he mentioned above and that it was his exit remarks relating to J.B.'s behavior that caused Empire's leadership to investigate and eventually terminate her. On reconsideration, the ULJ declined to admit the new evidence, reasoning that Kimble had not shown that such evidence would have been likely to change the outcome. The ULJ affirmed his prior factual findings and decision. Kimble seeks this court's review of that determination.

D E C I S I O N

When reviewing a ULJ's determination, this court may affirm the decision of the ULJ, remand the case for further proceedings, or reverse and modify the decision if the substantial rights of the relator have been prejudiced. Minn. Stat. § 268.105, subd. 7(d) (2018). For reviews of ineligibility determinations, we view "findings of fact in a light most favorable to the decision, and will not disturb the findings so long as there is evidence in the record that substantially supports them." *Gonzalez Diaz v. Three Rivers Cmty. Action, Inc.*, 917 N.W.2d 813, 815-16 (Minn. App. 2018). However, we review de novo the ULJ's interpretation of statute and the ultimate question of whether the relator is eligible to receive unemployment benefits. *Id.* at 816.

The Minnesota Legislature enacted the unemployment-insurance program to provide to those "who are unemployed[,] through no fault of their own[,] a temporary

partial wage replacement to assist the unemployed worker to become reemployed." Minn. Stat. § 268.03, subd. 1 (2018). Therefore, if the unemployed person quit their employment, they are considered ineligible for unemployment benefits unless a statutory exception applies. Minn. Stat. § 268.095, subd. 1 (2018). A person quits their employment "when the decision to end the employment was, at the time the employment ended, the employee's." *Id.*, subd. 2(a) (2018).

Among the exceptions to ineligibility as a result of quitting is when the employee quits "because of a good reason caused by the employer." *Id.*, subd. 1(1). A good reason caused by the employer is a reason that is directly related to the employment; is adverse to the employee; and would compel an average, reasonable worker to quit and become unemployed rather than remaining in employment. *Id.*, subd. 3(a) (2018). "The standard of what constitutes good cause to quit is whether the reason was compelling, real and not imaginary, substantial and not trifling, reasonable and not whimsical or capricious." *Trego v. Hennepin Cty. Family Day Care Ass'n*, 409 N.W.2d 23, 26 (Minn. App. 1987) (quotation omitted). Personality conflicts with employers and simple frustration or dissatisfaction with working conditions are not good reasons attributable to the employer for quitting. *Id.* (citing *Portz v. Pipestone Skelgas*, 397 N.W.2d 12, 14 (Minn. App. 1986)). In sum, "[t]he standard is reasonableness as applied to the average man or woman, and not to the supersensitive." *Hein v. Precision Assocs.*, 609 N.W.2d 916, 918 (Minn. App. 2000) (quotation omitted). Whether an employee had good reason to quit is a question of law, which this court reviews de novo. *Peppi v. Phyllis Wheatley Cmty. Ctr.*, 614 N.W.2d 750, 752 (Minn. App. 2000).

We agree with the finding that Kimble's working situation was less than ideal and acknowledge the possibility that he may have personally found it intolerable by the end.[2] But that is not the standard for the statutory exception. "While an employee may have a good personal reason for quitting, it does not necessarily constitute a good reason caused by the employer for quitting." *Werner v. Med. Prof'ls, LLC*, 782 N.W.2d 840, 842 (Minn. App. 2010), *review denied* (Minn. Aug. 10, 2010). While the good-reason analysis should be performed in the unique factual context of each case, those facts must demonstrate an employer-caused reason that would compel "an average, reasonable worker to quit." Minn. Stat. § 268.095, subd. 3(a)(3); *Werner*, 782 N.W.2d at 843. In other words, we apply an objective standard. *Werner*, 782 N.W.2d at 843. Subjectively, Kimble may well have had good *personal* reasons to quit, but we cannot say that the average, reasonable employee in his situation would have been compelled to opt for unemployment rather than remaining employed.

This result is in line with our precedent, as we have affirmed ULJ determinations in circumstances similar to these. *E.g.*, *Trego*, 409 N.W.2d at 26 (affirming ineligibility determination in part because poor communication was a primary cause of the interpersonal conflicts between the employee and director); *Portz*, 397 N.W.2d at 14 ("Unsatisfactory working conditions and a poor relationship with a supervisor did not give [employee] good cause to quit."); *Bongiovanni v. Vanlor Invs.*, 370 N.W.2d 697, 699

[2] The ULJ found that it was "undisputed that [Kimble and J.B.] had a strained working relationship," and that "[i]t is unfortunate but not unusual for co-workers as well as supervisors and subordinates to have difficulty working together."

(Minn. App. 1985) (affirming ineligibility because a personality conflict with the employer—resulting in the employer expressing a desire to terminate the employee, ignoring the employee, and reducing the employee's work duties—did not satisfy the objective "good reason" standard).

The standard is clearer when this case is compared to circumstances we have held constitute objectively good reasons for quitting. *See Hanke v. Safari Hair Adventure*, 512 N.W.2d 614 (Minn. App. 1994) (harassment of employee based on his sexual orientation and employer's failure to appropriately act were good reasons to quit); *Peppi*, 614 N.W.2d (employer's refusal to investigate employee's sexual-harassment complaint constituted good reason to quit); *Rootes v. Wal-Mart Assocs., Inc.*, 669 N.W.2d 416 (Minn. App. 2003) (impending substantial changes in wages and hours constituted good reason to quit); *Munro Holding, LLC v. Cook*, 695 N.W.2d 379 (Minn. App. 2005) (concluding that ongoing sexual harassment by the employer-owner constituted good reason to quit); *Rowan v. Dream It, Inc.*, 812 N.W.2d 879 (Minn. App. 2012) (employer encouraging employee to resign and form LLC without informing her of the consequences amounted to good reason to quit).

Kimble alleges that he has suffered hypertension and anxiety as a result of his work environment.[3] Again, while this might be true, it is only a subjective experience. Kimble's working environment, even if it is exactly as he describes, aligns more with the line of cases concluding that the reason for quitting amounts to mere dissatisfaction and

[3] However, Kimble does not assert that these constitute a "serious illness or injury [that] made it medically necessary" for him to quit. Minn. Stat. § 268.095, subd. 1(7)(i) (2018).

interpersonal conflicts. A reasonable employee in Kimble's situation may have sought employment elsewhere, but we do not think he or she would quit before doing so—choosing unemployment over that work environment.

Because Kimble has failed to show that he quit because of a good reason caused by his employer, he may not take advantage of that statutory exception and is therefore ineligible for unemployment benefits.

Affirmed.