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Minn. Stat. § 480A.08, subd. 3 (2018).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-0041**

Peter Haluszka,
Relator,

vs.

Prime Pork LLC,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed December 28, 2020
Affirmed
Bryan, Judge**

Department of Employment and Economic Development
File No. 37568977-3

Peter M. Haluszka, Wilmont, Minnesota (pro se relator)

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

Prime Pork LLC, Windom, Minnesota (respondent employer)

Considered and decided by Bryan, Presiding Judge; Ross, Judge; and Bjorkman,
Judge.

UNPUBLISHED OPINION

BRYAN, Judge

In this unemployment-benefits appeal, relator challenges a factual finding by an unemployment-law judge (ULJ) that relator quit his employment. Relator also argues that the ULJ should have required additional witness testimony. First, we conclude that relator's conduct and statements substantially support the ULJ's finding. Second, we conclude that the ULJ adequately developed the record, and we affirm the ULJ's decision.

FACTS

Respondent Prime Pork LLC hired relator Peter Haluszka in December 2016. In August 2019, Haluszka went on vacation. When he returned, he had a disagreement with his supervisors and did not report to work on August 11, 12, or 13. On August 13, Prime Pork sent Haluszka a letter stating that he was terminated because he voluntarily quit. Haluszka applied for unemployment benefits with respondent Minnesota Department of Employment and Economic Development (DEED). DEED issued a determination of eligibility, concluding that Haluszka was "unaware that the absence or tardiness seriously violated employer standards or expectations." Prime Pork appealed the determination, and a ULJ conducted a de novo hearing.

At the hearing, several individuals testified, including Haluszka, the director of facilities and engineering (S.D.), the maintenance manager (T.E.), the human resources manager (L.S.), and a parts clerk who worked on the first shift. According to the testimony of S.D. and L.S., T.E. planned to restructure the maintenance department and was considering hiring lead mechanics. Haluszka believed that he was a "lead mechanic

trainer” for the third shift and became concerned that this restructuring would result in his demotion. Contrary to Haluszka’s belief, L.S. testified that the company did not have lead mechanics at that time and that Haluszka’s job title was “maintenance technician.” In addition to his belief that the anticipated restructuring would result in his demotion, Haluszka also had concerns about his immediate supervisors. On August 9, 2019, Haluszka met with S.D., T.E., and Haluszka’s shift supervisor (J.H.) to address his concerns. Both S.D. and T.E. testified that the company did not demote Haluszka and had no plans to do so. Haluszka testified that, although he believed he was being demoted, no one ever told him what position he would be demoted to, what his demoted rate of pay would be, or what shift he would work. After this meeting, Haluszka turned in his tools and then left the facility. Haluszka also spoke with the parts clerk for the first shift. The parts clerk testified that he visited with Haluszka and several other people because they heard “he was moving on.” The parts clerk testified that he said to Haluszka, “I’ve got your tool bag, you’re quitting?” In response, Haluszka answered, “I’m done here.”

L.S. testified that on August 10, 2019, S.D. texted Haluszka asking if he had quit. Haluszka responded, explaining that because he expected to be fired in the near future, he had no intentions of returning to work under the maintenance manager. L.S. testified that Haluszka’s texted the following:

I was saving myself any more humiliations, just being demoted was ridiculous and embarrassing enough. I figured getting fired was next on someone’s bucket list so I turned everything in instead of dealing with any more BS. The way you made things sound that’s what was coming, and beside that, no way in hell am I going to work under the two idiots that are now running third shift.

Haluszka testified that after he left, he was expecting a call from the company to discuss next steps, but no one from Prime Pork called him. At this point, Haluszka “had the impression” that Prime Pork was going to terminate his position.¹ Haluszka further testified that he called the corporate human resources department and asked if he had been terminated. The department representative told him that according to the information in her system, he had not been terminated. Haluszka did not report to work for the next three scheduled shifts. Haluszka claimed that he did not report to work because he had not heard from management regarding whether or not he had a job.

In a written order, the ULJ found that Haluszka quit employment on August 9, 2019, and that he was ineligible for unemployment benefits. The ULJ found that Haluszka quit when “[h]e turned in his tools and told at least one coworker he was ‘done.’” The ULJ also found that a manager asked Haluszka if he quit, and “Haluszka responded that he thought he was going to be fired.” The ULJ further found that Haluszka “did not report to work or attempt to report to work” for three of his shifts despite the fact that “[n]o one told Haluszka he was terminated or was about to be terminated.” The ULJ concluded that this “evidence shows Haluszka chose to end the employment” and that “[t]his was a quit.”

Haluszka requested reconsideration asserting that there were “factual errors” in the judgment and challenging the ULJ’s conclusion that he quit. The ULJ reviewed the request and determined that the prior order was factually and legally correct. At no point did

¹ L.S. explained that both S.D. and T.E. could have terminated Haluszka’s employment, but they would have needed to involve HR beforehand, which they never requested.

Haluszka request for his supervisor, J.H., to be present at the hearing or that his absence rendered the hearing procedurally unfair. This certiorari appeal followed.

D E C I S I O N

I. Contested Factual Finding

Haluszka argues that the ULJ erred when the ULJ determined that he is ineligible for unemployment benefits because he quit his employment. Given the testimony about Haluszka's actions and statements, we conclude that substantial evidence supports the ULJ's factual finding that Haluszka quit.

Minnesota provides “workers who are unemployed through no fault of their own a temporary partial wage replacement.” Minn. Stat. § 268.03 (2018). An applicant who quits his employment is generally ineligible for unemployment benefits. Minn. Stat. § 268.095, subd. 1 (Supp. 2019).² A quit from employment occurs when the employee makes the decision to end the employment. Minn. Stat. § 268.095, subd. 2(a) (2018). “Whether an employee has been discharged or voluntarily quit is a question of fact subject to our deference.” *Stassen v. Lone Mountain Truck Leasing, LLC*, 814 N.W.2d 25, 31 (Minn. App. 2012). We view the ULJ's findings of fact in the light most favorable to the decision and will not disturb those findings as long as substantial evidence in the record reasonably tends to support them. Minn. Stat. § 268.105, subd. 7(d)(5) (Supp. 2019); *Wilson v. Mortg. Res. Ctr., Inc.*, 888 N.W.2d 452, 460 (Minn. 2016). “We review de novo a ULJ's determination that an applicant is ineligible for unemployment benefits.” *Fay v.*

² Haluska does not argue that any of the enumerated exceptions apply in this case.

Dep't of Emp't & Econ. Dev., 860 N.W.2d 385, 387 (Minn. App. 2015) (quotation omitted).

In this case, the evidence in the record substantially supports the factual determination that Haluszka quit. The testimony indicates that on August 9, 2019, Haluszka met with his supervisors regarding his concerns that the company intended to demote him and his concerns about working with his immediate supervisors. The record shows that at this meeting, S.D. and T.E. explained that they had no plans to demote Haluszka. After the meeting Haluszka turned in his tools and, when asked if he was quitting, answered, "I'm done here." In addition, the next day when S.D. asked Haluszka if he had quit, Haluszka responded that he "figured getting fired was next." Before that could happen, Haluszka said he "turned everything in instead of dealing with any more BS." This message indicates that Haluszka thought that getting discharged could occur in the future, but that it had not yet occurred. In addition, Haluszka stated his intentions not to work for Prime Pork anymore: "[N]o way in hell am I going to work under the two idiots that are now running third shift." Haluszka also testified that when he contacted human resources to determine whether the company had fired him, the representative explained to Haluszka that, according to her information, he was not terminated. Finally, Haluszka failed to report to work for three of his scheduled shifts despite knowing that he was not fired. Based on these actions and statements, the record substantially supports the ULJ's finding that Haluszka quit his employment.

Moreover, no one at Prime Pork told Haluszka that he was discharged until August 13, after he had been absent for three consecutive days. Under Minnesota Statutes

section 268.095, subdivision 5(a) (2018), a discharge occurs only “when any words or actions by an employer would lead a reasonable employee to believe that the employer will no longer allow the employee to work for the employer in any capacity.” Here, management asked Haluszka if he quit, which indicates that management still considered Haluszka an employee and expected Haluszka to return to work. Contrary to Haluszka’s argument, there is nothing in the record that shows Prime Pork would “no longer allow” Haluszka to work in “any capacity” as required by the statute. We affirm the decision that Haluszka is ineligible for unemployment benefits.

II. Adequate Development of the Record

Haluszka argues that this court should remand his case because the ULJ failed to adequately develop the record. *See* Minn. Stat. § 268.105, subd. 7(d) (Supp. 2019) (stating that this court may remand a ULJ’s decision for additional proceedings). Specifically, he contends that his supervisor, J.H., should have testified at the hearing. We are not persuaded.

During hearings before a ULJ, each party may examine witnesses, cross-examine the other party’s witnesses, and offer and object to exhibits. Minn. R. 3310.2921 (2019). “[ULJs] have a duty to reasonably assist pro se parties with the presentation of the evidence and the proper development of the record.” *White v. Univ. of Minn. Physicians Corp.*, 875 N.W.2d 351, 355–56 (Minn. App. 2016) (quoting Minn. R. 3310.2921). However, pro se litigants “are generally held to the same standards as attorneys,” *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001), and the ULJ remains neutral, even when assisting a self-represented party in the presentation of their evidence, *Stassen*, 814 N.W.2d at 32.

In this case, the ULJ heard from five witnesses and received evidence regarding the actions of Haluszka and the others involved. In addition, the ULJ informed Haluszka that he had a right to present evidence and to request to reschedule the hearing in order to obtain documents or the appearance of witnesses. Haluszka made no request to continue the hearing or to subpoena J.H., and he did not request reconsideration based on the failure to call J.H. as a witness. More importantly, Haluszka's does not explain what testimony he believes J.H. would provide or how that testimony would relate to the contested facts. Given Haluszka's conclusory argument, and based on our review of the record, we conclude that the ULJ adequately ensured development of all relevant facts.

Affirmed.