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**STATE OF MINNESOTA
IN COURT OF APPEALS
A10-1074**

Rodney P. Wurm, Relator,

vs.

MP Technologies, LLC,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed April 19, 2011
Affirmed
Ross, Judge**

Department of Employment and Economic Development
File No. 111417481

Rodney P. Wurm, Maple Lake, Minnesota (pro se relator)

MP Technologies LLC, Maple Lake, Minnesota (respondent employer)

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

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

UNPUBLISHED OPINION

ROSS, Judge

Rodney Wurm appeals by certiorari after the Department of Employment and Economic Development and an unemployment-law judge decided that he quit his job and is therefore ineligible to receive unemployment compensation. Wurm argues that he did not intend to quit, that he was repulsed from his job site by his coworkers' poor work ethics, and that his work difficulties were aggravated by his depression. Because the record supports the finding that Wurm quit his employment for a reason that was not caused by his employer and was not medically necessary, we affirm.

FACTS

Rodney Wurm worked as an equipment operator for MP Technologies, LLC, installing underground cable. He believed that fellow crew members had substandard work ethics and that this reflected poorly on him. He also suffered from depression, which magnified his disappointment with his colleagues. Wurm occasionally complained about his crew, on one instance resulting in a coworker being discharged. But Wurm then developed the same disappointment about the replacement. He eventually grew frustrated, and he walked off his job site and told his supervisor that he quit because "he couldn't take it anymore."

Wurm had a pre-existing unemployment-benefits account with the department. When he left MP Technologies, he reactivated his account and began collecting benefits. Wurm eventually attempted to establish a new benefits account but a department adjudicator determined that Wurm was ineligible for benefits and that he had received a

\$6,318 overpayment. An unemployment law judge (ULJ) heard Wurm's challenge and found that Wurm was ineligible for benefits because he did not quit his employment for a good reason caused by his employer and because his quitting was not medically necessary. The ULJ affirmed on reconsideration. This certiorari appeal follows.

D E C I S I O N

Wurm challenges the ULJ's determination that he is ineligible for unemployment benefits. We may remand, reverse, or modify a ULJ's decision if the relator's substantial rights were prejudiced by fact findings that are unsupported by substantial evidence or by a decision that is affected by an error of law, that is made upon unlawful procedure, or that is arbitrary and capricious. Minn. Stat. § 268.105, subd. 7(d)(3)–(6) (2008). We review findings of fact in the light most favorable to the ULJ's decision, give deference to the ULJ's credibility determinations, and rely on the ULJ's findings when the evidence substantially supports them. *Skarhus v. Davanni's Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006).

Wurm first argues that he did not quit. An applicant who quit employment generally is ineligible for unemployment benefits. Minn. Stat. § 268.095, subd. 1 (Supp. 2009). "A quit from employment occurs when the decision to end the employment was, at the time the employment ended, the employee's." *Id.*, subd. 2(a) (Supp. 2009). Whether an employee was discharged or quit is a fact question. *Nichols v. Reliant Eng'g & Mfg., Inc.*, 720 N.W.2d 590, 594 (Minn. App. 2006). Wurm does not contest the finding that he "was upset, on medication, and stated that he was leaving." And when asked if he decided to leave the job or if he felt he was discharged, he answered, "Kind of

both, but more or less I decided to leave the job.” He also conceded, “I went about quitting, I knew I probably was going to quit, or I didn’t know, but I had a good idea because of the unhappiness I was suffering that I was probably going to quit, but I went about it in the wrong way.” His employer’s testimony corroborated that leaving was Wurm’s decision. Substantial evidence supports the ULJ’s finding that Wurm quit his employment.

Wurm argues that even if he quit, it was for a good reason caused by MP Technologies. An exception to a quit requiring ineligibility for unemployment benefits applies when “the applicant quit . . . because of a good reason caused by the employer.” Minn. Stat. § 268.095, subd. 1(1). A good reason to quit caused by the employer is one that is “directly related to the employment and for which the employer is responsible,” is adverse to the employee, and “would compel an average, reasonable worker to quit and become unemployed.” *Id.*, subd. 3(a) (2008). We review de novo whether an employee had a good reason to quit. *Munro Holding, LLC v. Cook*, 695 N.W.2d 379, 384 (Minn. App. 2005).

Wurm does not convince us that the ULJ’s decision was erroneous. He maintains that he was forced to work with lazy coworkers. They showed up late, arrived hung over, and stood idly around on the job, according to Wurm. Assuming Wurm’s perceptions were accurate, these are not good reasons to quit caused by the employer. Poor relationships with other employees do not constitute a good reason to quit. *Portz v. Pipestone Skelgas*, 397 N.W.2d 12, 14 (Minn. App. 1986) (holding that good cause “does not encompass situations where an employee experiences irreconcilable differences with

others at work or where the employee is simply frustrated or dissatisfied with his working conditions”). And an employee “must complain to the employer and give the employer a reasonable opportunity to correct the adverse working conditions” before the reason can be attributed to the employer. Minn. Stat. § 268.095, subd. 3(c) (2008). The ULJ did not err by determining that Wurm did not quit for a good reason caused by MP Technologies.

Wurm also argues that he had to quit because of his depression. A quitting employee can still receive unemployment benefits if his serious illness made it medically necessary to quit, provided that he “inform[ed] the employer of the medical problem and request[ed] accommodation and no reasonable accommodation [was] made available.” Minn. Stat. § 268.095, subd. 1(7). Wurm presented no evidence establishing that his depression required his decision to quit or that he ever requested an accommodation for his depression from MP Technologies. The ULJ’s conclusion that it was not medically necessary that Wurm quit is supported by reason and substantial evidence.

Affirmed.