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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A10-1631**

Betty Bonfe,
Relator,

vs.

Guaranty Bank SSB,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed June 20, 2011
Reversed and remanded
Toussaint, Judge**

Department of Employment and Economic Development
File No. 25518752-4

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Guaranty Bank SSB, Milwaukee, Wisconsin (respondent)

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

UNPUBLISHED OPINION

TOUSSAINT, Judge

Relator Betty Bonfe challenges an unemployment-law judge's (ULJ) decision that she was ineligible for unemployment benefits because she quit employment after experiencing pain from a previously suffered broken ankle. Because the record is insufficient to enable meaningful appellate review, we reverse and remand.

DECISION

When reviewing an unemployment-benefits decision by a ULJ, this court may affirm, remand for further proceedings, or reverse or modify the decision if the substantial rights of the applicant may have been prejudiced because the decision was affected by error of law, unsupported by substantial evidence, or arbitrary or capricious. Minn. Stat. § 268.105, subd. 7(d)(4)-(6) (2010).

There is no dispute that Bonfe quit her employment with respondent Guaranty Bank SSB. *See Lamah v. Doherty Emp't Grp.*, 737 N.W.2d 595, 598 (Minn. App. 2007) (“[A]n employee who refuses to complete an accepted assignment quits.”). An applicant who quits his or her employment is generally ineligible for unemployment benefits. Minn. Stat. § 268.095, subd. 1 (2010). An applicant who quit his or her employment is not disqualified from receiving unemployment benefits if “the applicant quit the employment . . . because the applicant’s serious illness or injury made it medically necessary that the applicant quit.” *Id.*, subd. 1(7). “This exception only applies if the applicant informs the employer of the medical problem and requests accommodation and no reasonable accommodation is made available.” *Id.*

An unemployment hearing is an “evidence gathering inquiry” where the ULJ “must ensure that all relevant facts are clearly and fully developed.” Minn. Stat. § 268.105, subd. 1(b) (2010). The ULJ “must exercise control over the hearing procedure in a manner that protects the parties’ rights to a fair hearing.” Minn. R. 3310.2921 (2009). In the present case, the ULJ was unable to speak to any representative from Guaranty Bank during the hearing, as the ULJ’s telephone calls went unanswered and unreturned. Although the ULJ did question Bonfe as to whether an accommodation was requested during her meeting with the human-resources representative, Bonfe testified that she did not remember what response the representative gave to her request to take unpaid leave.

The record is therefore insufficient to determine whether Bonfe requested an accommodation for her injury and whether Guaranty Bank denied such an accommodation. As this is a necessary consideration for determining whether or not Bonfe meets the medical-necessity exception to the quit statute, we are not satisfied on this record that the ULJ fulfilled her statutory duty to “ensure that all relevant facts are clearly and fully developed.” Minn. Stat. § 268.105, subd. 1(b). We therefore reverse the ULJ’s determination that Bonfe is ineligible for unemployment benefits and remand for such further proceedings the ULJ deems necessary to fulfill this obligation.

Reversed and remanded.