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

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A10-1708**

Melanie Hult, n/k/a Melanie Sobania,  
Relator,

vs.

Best Buy Stores, LP,  
Respondent,  
Department of Employment and Economic Development,  
Respondent.

**Filed June 20, 2011  
Affirmed  
Stoneburner, Judge**

Department of Employment and Economic Development  
File No. 254696263

Melanie Hult, Rice, Minnesota (pro se relator)

Best Buy Stores, Arvada, Colorado (respondent employer)

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

Considered and decided by Ross, Presiding Judge; Stoneburner, Judge; and  
Muehlberg, Judge.\*

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\* Retired judge of the district court, serving as judge of the Minnesota Court of Appeals  
by appointment pursuant to Minn. Const. art. VI, § 10.

## UNPUBLISHED OPINION

STONEBURNER, Judge

Relator Melanie Sobania challenges the decision of an unemployment-law judge (ULJ) that she quit employment without a good reason caused by her employer and is therefore ineligible for unemployment benefits. We affirm.

### FACTS

The relevant facts of this case are undisputed. Sobania worked for respondent Best Buy Stores, LP (Best Buy) from 1995 until June 10, 2010. After Sobania was late to work on several occasions, Best Buy gave her two choices: resign or have her employee file submitted to human resources with the understanding that her employment would likely be terminated. Sobania chose to resign so that a termination would not be reflected in her file, and she would be able to use Best Buy as an employer reference in the future.

A ULJ determined that Sobania quit employment without a good reason caused by her employer and is therefore ineligible for unemployment benefits. This certiorari appeal followed.

### DECISION

We may reverse or modify the ULJ's decision if it is affected by error of law. Minn. Stat. § 268.105, subd. 7(d)(4) (2010). We review questions of law de novo. *Johnson v. Walch & Walch, Inc.*, 696 N.W.2d 799, 800 (Minn. App. 2005), *review denied* (Minn. July 19, 2005).

“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)

(2010). An applicant who quits employment is ineligible for unemployment benefits unless an exception applies. Minn. Stat. § 268.095, subd. 1 (2010). “There is no equitable or common law . . . allowance of unemployment benefits.” Minn. Stat. § 268.069, subd. 3 (2010). Because, as she concedes, Sobania decided to quit rather than face probable employment termination, she is ineligible for unemployment benefits unless a statutory exception applies.

To the extent that Sobania asserts that she quit for good reason caused by her employer,<sup>1</sup> *see* Minn. Stat. § 268.095, subd. 1(1) (providing that an applicant who quits employment because of a good reason caused by the employer may be eligible for benefits), her argument fails. At the time Sobania resigned, termination of employment was probable, not certain. And even if termination of employment was certain, “[n]otification of discharge in the future . . . is not considered a good reason caused by the employer for quitting.” Minn. Stat. § 268.095, subd. 3(e) (2010); *see also Ramirez v. Metro Waste Control Comm’n*, 340 N.W.2d 355, 355–56 (Minn. App. 1983) (holding that an employee’s free choice “to resign his employment to protect his work record from showing a discharge for tardiness . . . constitutes voluntary termination of employment without good cause attributable to the employer, a disqualifying condition for unemployment compensation benefits” under a prior version of Minn. Stat. § 268.095).

**Affirmed.**

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<sup>1</sup> Sobania asserts that her only reasonable option was to resign because she felt that termination was a virtual certainty and would hinder her ability to secure another job and maintain health insurance coverage for her and her unborn child.