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**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-1253**

Mohamed Hassan Ali,
Relator,

vs.

Volt Management Corp.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed July 1, 2008
Affirmed
Johnson, Judge**

Department of Employment and Economic Development
File No. 5865 07

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(pro se relator)

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Considered and decided by Willis, Presiding Judge; Halbrooks, Judge; and
Johnson, Judge.

UNPUBLISHED OPINION

JOHNSON, Judge

Mohamed Hassan Ali quit his position as a long-term temporary employee of Volt Management Corporation after being informed that he would not be hired on a “permanent,” i.e., non-temporary, basis. An unemployment law judge (ULJ) found that Ali was disqualified from receiving unemployment benefits. Ali argues that he quit his job for a good reason caused by the employer and that the ULJ did not conduct a fair hearing. We affirm.

FACTS

Volt is a staffing agency. Ali was employed by Volt from August 9, 2006, through February 27, 2007. Throughout that time, he was assigned to work for one of Volt’s clients, Cuno, Inc. Ali worked on Cuno’s second shift, Wednesdays through Sundays, at a facility that makes refrigerator filters.

When Ali was hired, Volt told him that the position at Cuno was a long-term temporary position with the possibility of being hired into a permanent position. While Ali worked at Cuno, he learned that several temporary employees on the third shift had been offered permanent positions. Ali suspected that he was not hired because his supervisor did not like him. But according to a Volt manager, Stacy Augustine, Ali was not hired into a permanent position because Cuno did not have any permanent positions available on the second shift.

In January 2007, Ali’s supervisor accused him of taking an excessively long break. When Ali told his supervisor that he had been on break for only five minutes, his

supervisor responded by calling him a liar. Ali reported the comment to Cuno's human resources department. He was told that the incident would be investigated, but he never heard back from human resources and never made a follow-up inquiry. Ali did not report the incident to Volt.

In February 2007, Cuno held a company meeting, which included Ali, at which Cuno announced that the company would be moving to another building and would not be hiring any new employees. Ali then decided to quit. On February 27, 2007, Ali placed a telephone call to Volt to give notice of his resignation, effective immediately.

In Ali's application for unemployment benefits, he stated that he quit because he was told he would never become a permanent employee and because he did not "feel respect" in the workplace, and he also mentioned, for the first time, that he was concerned about perceived health risks due to exposure to carbon in the Cuno workplace. A DEED adjudicator denied Ali's application. Ali appealed to a ULJ, who conducted a telephone hearing with Ali and Augustine and, thereafter, issued a decision finding that Ali was disqualified from receiving unemployment benefits because he quit without good reason caused by Volt. Ali sought reconsideration, but the ULJ affirmed the earlier decision. Ali appeals by way of a writ of certiorari.

D E C I S I O N

I. Quit Without Good Reason Caused by Employer

Ali argues that the ULJ erred by finding that he was disqualified from receiving unemployment benefits because he quit his job. A quit 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) (2006). An employee who quits employment is disqualified from receiving unemployment benefits unless one of several exceptions applies. *Id.*, subd. 1 (2006). Here, Ali challenges the ULJ’s determination that he did not fall within the exception for a quit for good reason caused by the employer. That exception is defined by statute as follows:

A good reason caused by the employer for quitting is a reason:

- (1) that is directly related to the employment and for which the employer is responsible;
- (2) that is adverse to the worker; and
- (3) that would compel an average, reasonable worker to quit and become unemployed rather than remaining in the employment.

Id., subd. 3(a) (2006).

Whether an employee quit is a question of fact for the decisionmaker. *Hayes v. K-Mart Corp.*, 665 N.W.2d 550, 552 (Minn. App. 2003), *review denied* (Minn. Sept. 24, 2003). This court may reverse or modify the ULJ’s decision if the findings are “unsupported by substantial evidence in view of the entire record as submitted.” *See Skarhus v. Davanni’s Inc.*, 721 N.W.2d 340, 343 (Minn. App. 2006) (citing Minn. Stat. § 268.105, subd. 7(d)(5) (Supp. 2005)). Substantial evidence means “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion” *Minnesota Ctr. for Env’tl. Advocacy v. Minnesota Pollution Control Agency*, 644 N.W.2d 457, 466 (Minn. 2002). In determining whether there is substantial evidence to support a

ULJ's findings, this court will view those findings "in the light most favorable to the decision." *Skarhus*, 721 N.W.2d at 344.

Ali challenges the ULJ's decision by arguing that he quit his job because he believed that his supervisor did not like him. During the telephone hearing, Ali stated that he was subjected to humiliation when his supervisor called him a liar. Ali also argues that he quit because of his concerns about perceived health risks at the workplace.

An employee subjected to adverse working conditions that might cause him to quit "must complain to the employer and give the employer a reasonable opportunity to correct the adverse working conditions before that may be considered a good reason caused by the employer for quitting." Minn. Stat. § 268.095, subd. 3(c) (2006). The ULJ found that Ali never communicated his problems with his supervisor, or his health-related concerns, to anyone at Volt. During the telephone hearing, Ali admitted that he did not apprise Volt of any of his concerns. He testified that he complained only to the Cuno human resources department and only about his interactions with his supervisor. Furthermore, even if Ali had complained to Volt about his Cuno supervisor, he nonetheless would be disqualified because a personality conflict with a supervisor does not constitute a good reason caused by the employer. *See Trego v. Hennepin County Family Day Care Ass'n*, 409 N.W.2d 23, 26 (Minn. App. 1987); *Portz v. Pipestone Skelgas*, 397 N.W.2d 12, 14 (Minn. App. 1986); *Bongiovanni v. Vanlor Invs.*, 370 N.W.2d 697, 699 (Minn. App. 1985). Moreover, the ULJ found that Ali's decision to quit was not induced by either of these reasons. The ULJ specifically found that the supervisor's conduct was not "so significant or so egregious as to give Ali good reason to

quit.” Rather, the ULJ found that Ali’s “decision to quit was triggered by his determination that he would never be hired on permanently by Cuno.” The ULJ’s determination is supported by substantial evidence.

II. Fair and Even-handed Hearing

Ali also argues that the ULJ’s decision was unfair because the ULJ did not give Ali a “full explanation of his decision” and did not “put any pressure” on the employer. A ULJ should conduct an evidentiary hearing “as an evidence gathering inquiry and not an adversarial proceeding.” Minn. Stat. § 268.105, subd. 1(b) (2006). The ULJ “shall ensure that all relevant facts are clearly and fully developed.” *Id.* A hearing generally is considered fair and even-handed if both parties are afforded an opportunity to give statements and cross-examine witnesses. *See Ywsfw v. Teleplan Wireless Servs., Inc.*, 726 N.W.2d 525, 529-30 (Minn. App. 2007). After the hearing, the ULJ “shall make findings of fact and decision” and send them to all parties. Minn. Stat. § 268.105, subd. 1(c) (2006).

The hearing transcript shows that Ali had ample opportunity to explain his concerns to the ULJ and to respond to the ULJ’s questions. Ali also had the opportunity to question the employer’s representative, although he declined to do so. The ULJ gave Ali the opportunity to make additional comments following his testimony and Augustine’s testimony, and he did so. Our review of the transcript assures us that Ali was afforded a full and fair hearing.

Affirmed.