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Minn. Stat. § 480A.08, subd. 3 (2006).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A07-1266**

Megan C. Hatanpaa,  
Relator,

vs.

Park Supply, Inc.,  
Respondent,

Department of Employment and Economic Development,  
Respondent.

**Filed June 17, 2008  
Affirmed  
Worke, Judge**

Department of Employment and Economic Development  
File No. 17346 06

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Considered and decided by Peterson, Presiding Judge; Kalitowski, Judge; and  
Worke, Judge.

## UNPUBLISHED OPINION

**WORKE**, Judge

Relator challenges the decision by the unemployment-law judge that she was disqualified from receiving unemployment benefits because she quit her employment without good reason caused by her employer, arguing that she had good reason to quit because she endured repeated sexual harassment from employees and customers, her managers knew about and participated in the harassment, and her employer failed to take any corrective action. We affirm.

### DECISION

This court may affirm the decision of the unemployment-law judge (ULJ), remand the case for further proceedings, or reverse or modify the decision if

the substantial rights of the petitioner may have been prejudiced because the findings, inferences, conclusion, or decision are:

- (1) in violation of constitutional provisions;
- (2) in excess of the statutory authority or jurisdiction of the department;
- (3) made upon unlawful procedure;
- (4) affected by other error of law;
- (5) unsupported by substantial evidence in view of the entire record as submitted; or
- (6) arbitrary or capricious.

Minn. Stat. § 268.105, subd. 7(d) (2006). Findings of fact are viewed in the light most favorable to the ULJ's decision, and deference is given to the ULJ's credibility determinations. *Skarhus v. Davanni's Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006). Whether an individual quit employment and the reason the individual quit are questions

of fact for the factfinder to determine. *Beyer v. Heavy Duty Air, Inc.*, 393 N.W.2d 380, 382 (Minn. App. 1986). Whether an employee had good reason to quit is a question of law this court reviews de novo. *Peppi v. Phyllis Wheatley Cmty. Ctr.*, 614 N.W.2d 750, 752 (Minn. App. 2000).

On November 3, 2006, relator Megan C. Hatanpaa gave notice of her quitting her employment with respondent Park Supply, Inc., with her final day of work to be November 17. On November 7, relator left work 10 to 20 minutes early and informed the receptionist that she was not coming back. The following day, relator returned to work to learn that she had been discharged because the office manager believed that relator meant that she was never coming back. Relator informed the office manager that she meant she was not coming back that day. The office manager informed relator that her employment had been terminated.

Relator established a benefit account with respondent Department of Employment and Economic Development (DEED), which found that relator was disqualified from receiving unemployment benefits because she quit without good reason caused by her employer. Relator appealed the decision. Following a hearing, the ULJ found that relator quit without good reason caused by the employer and was disqualified from receiving benefits after her quit date of November 17. The ULJ also found that the employer discharged relator prior to her quit date for a reason other than employment misconduct and, therefore, relator was entitled to benefits from her discharge date through her intended quit date. Relator requested reconsideration of the ULJ's decision. An order modifying the findings of fact and decision was filed. The ULJ found that relator's

testimony was vague and contradictory, which raised questions about her credibility, whereas the employer submitted detailed evidence.

An applicant who quit employment shall be disqualified from all unemployment benefits unless an exception applies. Minn. Stat. § 268.095, subd. 1 (2006). An exception to disqualification applies when “the applicant quit the employment because of a good reason caused by the employer.” *Id.*, subd. 1(1). “What constitutes good reason caused by the employer is defined exclusively by statute.” *Rootes v. Wal-Mart Assocs., Inc.*, 669 N.W.2d 416, 418 (Minn. App. 2003); Minn. Stat. § 268.095, subd. 3(g) (2006) (providing that statutory definition is exclusive and that no other definition shall apply).

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.

Minn. Stat. § 268.095, subd. 3(a) (2006). “An applicant has a good reason caused by the employer for quitting if it results from sexual harassment of which the employer was aware, or should have been aware, and the employer failed to take timely and appropriate action.” Minn. Stat. § 268.095, subd. 3(f) (2006). “[T]here must be some compulsion produced by extraneous and necessitous circumstances.” *Ferguson v. Dep’t of Employment Servs.*, 311 Minn. 34, 44 n.5, 247 N.W.2d 895, 900 n.5 (1976). The reasonable-worker standard is objective and is applied to the average person rather than the supersensitive. *Id.*

The evidence is not sufficient to support relator's argument that she quit her employment because of a good reason caused by the employer. Relator argues that she quit due to sexual harassment she endured during her employment. The ULJ found that relator's allegations of sexual harassment were vague and contradictory. The ULJ's findings are supported by the record. Relator contends that prior to quitting she informed her supervisor that she was being harassed; however, relator's supervisor and the human resource manager testified that relator did not file a sexual-harassment complaint until she quit on November 3. Relator admitted that she had not told the human resource manager about the sexual harassment. *See* Minn. Stat. § 268.095, subd. 3(f). Other employees testified that they did not learn of relator's sexual-harassment claims prior to relator quitting. The ULJ determined that relator was not credible. *See Skarhus*, 721 N.W.2d 244 (stating we defer to the ULJ's credibility determinations). The ULJ did not err in determining that relator was disqualified from receiving unemployment benefits because she did not have a good reason to quit caused by the employer.

**Affirmed.**