

*This opinion will be unpublished and
may not be cited except as provided by
Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A10-797**

Scott Meier,
Relator,

vs.

Target Corporation,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed January 4, 2011
Affirmed
Lansing, Judge**

Department of Employment and Economic Development
File No. 24276993-3

Scott Meier, Minneapolis, Minnesota (pro se relator)

Target Corporation, c/o Barnett Associates Inc., Garden City, New York (respondent)

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

Considered and decided by Lansing, Presiding Judge; Minge, Judge; and Crippen, Judge.*

UNPUBLISHED OPINION

LANSING, Judge

Scott Meier challenges the unemployment-law judge's (ULJ) decision that he was ineligible for unemployment-compensation benefits because he quit his employment without a good reason caused by his employer. Because substantial evidence supports the ULJ's determination that Meier quit his employment to avoid discharge, we affirm.

FACTS

Target Corporation employed Scott Meier as a business analyst from January 1995 to December 2009. Meier received a favorable review of his work performance in October 2009. In December 2009, however, Target placed Meier on a corrective-action plan designed to address Meier's performance shortcomings. In connection with the plan, Meier could not apply for internal job openings at Target and was assigned a project to complete by January 5, 2010, or face disciplinary action. If Meier completed the project on time, he would be subject to six months of probation.

Meier's project was to develop and present hypotheses on why customers believed an item was listed at a different price than the scanner would indicate during check-out. Although Meier acknowledged that he had access to "tons of data," he believed that he needed more and asked his manager if he could visit Target stores to observe and speak

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

with customers and other Target employees about his project. Both his manager and his manager's supervisor thought that Meier had enough data to complete the project and denied his request to visit Target stores. Meier believed that he did not have adequate time to finish the project and that he was being set up to fail.

Acting on his concern that he might be discharged if he did not finish the project by the January 5, 2010 deadline, Meier asked his manager about options other than discharge. His manager suggested that he speak with the Human Resources Department (HR) to determine whether he might be able to obtain a severance package if he resigned.

Meier contacted HR and offered to resign in exchange for fifteen weeks of severance pay, which would equal one week of pay for every year he had worked at Target. HR responded with a counteroffer of severance pay through January 5, 2010. Meier thought this was an insufficient amount. Later, Meier's manager notified him that she was able to obtain an extra week of severance pay but that the offer had to be accepted within twenty-four hours or it would no longer be available.

The next day, Meier told HR that he intended to accept the severance package, but that he wanted to continue working until the end of the week. HR said that if he accepted the severance package he would have to submit a letter of resignation and conclude his work relationship the same day. Meier accepted the severance package and resigned on December 16, 2009.

Meier applied for unemployment benefits, but the Minnesota Department of Employment and Economic Development determined that he quit employment and was therefore ineligible for benefits. Meier appealed the department's determination to the

ULJ, who held an evidentiary hearing and issued a decision affirming the department's ineligibility determination, based on its conclusion that Meier quit his employment without having a good reason attributable to Target. Meier requested that the ULJ reconsider its decision, and the ULJ issued an order affirming its decision.

Meier now appeals, by writ of certiorari, challenging the ULJ's ruling that he quit his employment without a good reason caused by his employer.

D E C I S I O N

In our review of an unemployment-compensation determination, we may affirm a ULJ's decision, remand for further proceedings, or reverse or modify the decision if the findings, inferences, conclusions, or decision are affected by an error of law or are unsupported by substantial evidence in view of the entire record. Minn. Stat. § 268.105, subd. 7(d)(4), (5) (2010). Whether an employee has voluntarily quit or has been discharged is a question of fact. *Midland Elec., Inc. v. Johnson*, 372 N.W.2d 810, 812 (Minn. App. 1985). A ULJ's finding of fact will be sustained if there is substantial evidence to support it. Minn. Stat. § 268.105, subd. 7(d)(5). Whether an employee quit because of a good reason caused by the employer is a question of law that we review de novo. *Nichols v. Reliant Eng'g & Mfg., Inc.*, 720 N.W.2d 590, 594 (Minn. App. 2006).

An employee who quits employment is ineligible for unemployment-compensation benefits unless that employee quit "because of a good reason caused by the employer." Minn. Stat. § 268.095, subd. 1(1) (2010). An employee has quit employment if "the decision to end the employment was, at the time the employment ended, the employee's." Minn. Stat. § 268.095, subd. 2(a) (2010). A good reason for quitting

caused by the employer is a reason “that is directly related to the employment and for which the employer is responsible,” “adverse to the worker,” and “would compel an average, reasonable worker to quit and become unemployed rather than remain[] in the employment.” *Id.*, subd. 3(a) (2010). An employee who chooses to leave employment, rather than face discharge, is considered to have voluntarily quit employment without a good reason to quit caused by the employer. *Id.*, subd. 3(e) (2010).

Meier presents three arguments challenging the ULJ’s ruling. First, Meier argues that he did not voluntarily quit, but was discharged because Target did not allow him to continue working until the end of the week even though he asked to work those days. Although Meier wanted to continue working until the end of the week, HR told him that if he accepted the severance package, he had to submit a letter of resignation effective that day. Meier chose to accept the severance package, resigning on December 16, 2009.

It is undisputed that Meier could have continued to work beyond December 16, 2009, if he had not accepted the severance package. Because it was Meier’s decision to stop working and accept the severance package, he voluntarily quit and was not discharged by Target. *See* Minn. Stat. § 268.095, subd. 2(a) (2010) (providing that employee has quit employment if, at time employment ended, decision to end employment was employee’s). The ULJ’s finding that Meier voluntarily quit employment is supported by substantial evidence in the record.

Second, Meier argues that if his actions constituted quitting, he had a good reason to quit caused by Target. Meier claims that he had no choice other than terminating his

employment because the goals of the corrective-action plan were impossible to achieve, and it was likely that he would be discharged sometime in the near future.

At the evidentiary hearing, however, Meier was unable to quantify and explain why he believed that the amount of additional work he had been assigned after being placed on the corrective-action plan was impossible to complete. Furthermore, an employee who chooses to leave employment, rather than face discharge, is considered to have voluntarily quit employment without a good reason to quit caused by the employer and is not eligible for unemployment-compensation benefits. Minn. Stat. § 268.095, subds. 1(1), 3(e) (2010). Thus, the ULJ did not err when it concluded that Meier did not have a good reason to quit caused by the employer.

Finally, Meier claims that he should be eligible for benefits because Target is not contesting his eligibility. Whether the employer challenges an employee's eligibility for unemployment benefits "has no bearing on whether or not the benefits are paid." *Rasidescu v. Comm'r of Econ. Sec.*, 644 N.W.2d 504, 506 (Minn. App. 2002), *review denied* (Minn. July 16, 2002). Thus, Meier's final argument does not provide a basis to reverse the ULJ's determination.

Because substantial evidence supports the ULJ's decision that Meier quit his job without a good reason attributable to Target, we affirm.

Affirmed.