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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A06-2375**

Mary Lou Newcomb,
Relator,

vs.

The Work Connection,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed January 8, 2008
Affirmed
Lansing, Judge**

Department of Employment and Economic Development
File No. 12981 06

Mary Lou Newcomb, P.O. Box 102, Eden Valley, MN 55329-0102 (pro se relator)

The Work Connection Inc., 979 Arcade Street, St. Paul, MN 55106-3229 (respondent
The Work Connection)

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(for respondent Department of Employment and Economic Development)

Considered and decided by Dietzen, Presiding Judge; Lansing, Judge; and Ross,
Judge.

UNPUBLISHED OPINION

LANSING, Judge

In this certiorari appeal from the denial of unemployment benefits, Mary Lou Newcomb challenges the unemployment law judge's determination that her reasons for quitting did not constitute a good reason attributable to her employer. Because Newcomb's objections to her employer's training decisions and assignment of job responsibilities do not constitute a good reason for quitting, we affirm.

FACTS

The Work Connection, a staffing service agency, employed Mary Lou Newcomb beginning in 2001. From December 1, 2001 to August 14, 2006, Work Connection assigned Newcomb to work as a teleservice researcher for BI Worldwide. In February 2006, Newcomb received a document stating that, when she completes a temporary assignment, she may be disqualified from unemployment benefits if she does not request a new assignment within five calendar days. Newcomb signed the document and stated that she understood what it required.

In an e-mail dated August 14, 2006, Newcomb told her Work Connection manager that she found "it necessary to leave [her] employment from BI," and that her last day would be August 16. Based on BI's policy of releasing employees immediately after they give notice, Newcomb's on-site Work Connection manager told Newcomb that her BI assignment would end that day. Newcomb did not ask her Work Connection manager for another assignment.

Newcomb filed for unemployment benefits, and the Department of Employment and Economic Development determined that she was disqualified from benefits because she voluntarily terminated her employment. She appealed and a hearing was scheduled.

At the hearing, Newcomb testified that she quit her job at BI because it was becoming too stressful. She stated that her job responsibilities had been taken away from her and given to younger, less-qualified employees. Newcomb's job responsibilities had increased on July 24, 2006, following the departure of the manager of the research department. Newcomb testified that she received additional responsibilities for an ongoing project and submitted as evidence an e-mail from August 2, 2006, indicating that a manager at a BI office in the United Kingdom believed Newcomb was performing her job duties well. Nonetheless, during the first week in August 2006, some of these additional responsibilities were transferred to a new employee from a different BI branch. Newcomb was greatly disappointed by the redistribution of responsibility without explanation and concluded that her new supervisors did not want her at BI.

Newcomb complained to her on-site Work Connection manager about the change in responsibility, but the manager told Newcomb that she could not do anything to change the situation. At the hearing, Newcomb's Work Connection manager confirmed that Newcomb had complained to her about the new supervisors who were training new people and about her responsibilities being taken away.

After the hearing, an unemployment law judge determined that, because Newcomb did not quit for a good reason caused by Work Connection, she is disqualified from receiving unemployment benefits. Newcomb then filed a request for reconsideration, and

an unemployment law judge affirmed the disqualification. Newcomb now petitions for review of the order of affirmation.

DECISION

We review an unemployment law judge's (ULJ) decision to determine whether substantial rights were prejudiced because the findings, inferences, conclusion, or decision are affected by error of law or unsupported by substantial evidence in view of the entire record. *See* Minn. Stat. § 268.105, subd. 7(d) (2006) (providing bases on which this court may reverse or modify ULJ's decision).

An employee who quits her employment is ordinarily disqualified from receiving unemployment benefits. Minn. Stat. § 268.095, subd. 1 (2006). But an employee who quits her employment is not disqualified from benefits if she quit her job for a good reason that is caused by her employer. *Id.*, subd. 1(1). The determination that an employee quit without good reason is a legal conclusion that we review de novo. *Zepp v. Arthur Treacher Fish & Chips, Inc.*, 272 N.W.2d 262, 263 (Minn. 1978) (characterizing decision as conclusion of law); *see also Jenkins v. Am. Express Fin. Corp.*, 721 N.W.2d 286, 289 (Minn. 2006) (exercising independent judgment on issue of law).

Newcomb does not dispute that she made the decision to end her employment. Therefore, unless Newcomb demonstrates that she quit for a good reason caused by her employer, the ULJ did not err when he determined that she is disqualified from receiving unemployment benefits. *See Zepp*, 272 N.W.2d at 263 (stating that employee who seeks unemployment benefits after quitting employment has burden to show good reason to quit). A good reason to quit is one that is adverse to the worker, that is directly related to

the employment, and that would compel an average, reasonable worker to quit and become unemployed. Minn. Stat. § 268.095, subd. 3(a) (2006).

Newcomb contends that she quit for a good reason because BI created a stressful work environment by taking away some of her job responsibilities and appointing a new manager who began training younger people to replace her and made her feel unwanted in the workplace. The statute, however, suggests that apprehension related to job termination is not a good reason to quit. *See* Minn. Stat. § 268.095, subd. 3(e) (2006) (stating that “notification of discharge in the future . . . shall not be considered a good reason caused by the employer for quitting”). The circumstances perceived by Newcomb may well provide a personal reason to want to terminate employment, but that reason may not equate to good cause for purposes of obtaining unemployment benefits. *See Edward v. Sentinel Mgmt. Co.*, 611 N.W.2d 366, 368 (Minn. App. 2000) (referring to unemployment decisions holding that good personal reasons do not equate to good cause), *review denied* (Minn. Aug. 15, 2000).

Additionally, Newcomb failed to provide evidence that her work environment was so stressful that she had a good reason to quit. A good reason to quit “must be real, not imaginary, substantial not trifling, and reasonable, not whimsical.” *Ferguson v. Dep’t of Employment Servs.*, 311 Minn. 34, 44 n.5, 247 N.W.2d 895, 900 n.5 (1976). And the conditions must be such that they would compel an average, reasonable worker to quit and become unemployed. Minn. Stat. § 268.095, subd. 3(a)(3). In a comparable workplace circumstance we concluded that an employee did not have a good reason to quit when her supervisor made it clear that he wanted to get rid of her, stopped talking to

her, and greatly reduced her work duties. *Bongiovanni v. Vanlor Invs.*, 370 N.W.2d 697, 699 (Minn. App. 1985). We also have repeatedly held that an employee's personal dissatisfaction with her supervisor does not constitute a good reason to quit. *E.g., Portz v. Pipestone Skelgas*, 397 N.W.2d 12, 12, 14 (Minn. App. 1986). Based on this precedent, we conclude that Newcomb did not quit for a good reason when she quit because her supervisors created a stressful environment by making her feel unwanted and decreasing her job responsibilities.

Finally, we note that the ULJ based his determination both on the absence of a good reason for quitting and the definition of quit in Minn. Stat. § 268.095, subd. 2(d) (2006) (defining quit as applied to staffing service employee). Because we conclude that Newcomb's reasons for quitting did not constitute a good reason attributable to her employer we need not address the alternative basis for disqualification.

Newcomb did not demonstrate that she quit her employment for "a good reason caused by the employer" as the term is defined by statute and caselaw. The ULJ did not err when he determined that Newcomb was disqualified from receiving unemployment benefits.

Affirmed.