

*This opinion will be unpublished and  
may not be cited except as provided by  
Minn. Stat. § 480A.08, subd. 3 (2006).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A07-0284**

Donna J. Saari,  
Relator,

vs.

The Long Term Care Group,  
Respondent,

Department of Employment and Economic Development,  
Respondent.

**Filed March 11, 2008  
Affirmed  
Minge, Judge**

Department of Employment and Economic Development  
File No. 15301 06

Donna J. Saari, 12156 East Mason Road, Maple, Wisconsin 54854 (pro se relator)

The Long Term Care Group Nations Carelink, Inc., 5701 Shingle Creek Parkway,  
Brooklyn Center, MN 55430 (respondent employer)

Lee B. Nelson, Katrina I. Gulstad, First National Bank Building, 332 Minnesota Street,  
Suite E200, St. Paul, MN 55101-1351 (for respondent department)

Considered and decided by Kalitowski, Presiding Judge; Minge, Judge; and  
Connolly, Judge.

## UNPUBLISHED OPINION

MINGE, Judge

Relator appeals her denial of unemployment benefits. Because the unemployment law judge did not err in determining that relator did not quit for good reason attributable to the employer, we affirm.

### DECISION

The question presented in this certiorari appeal is whether the unemployment law judge (ULJ) erred in deciding that relator-employee Donna J. Saari was disqualified from receiving unemployment benefits because she resigned her position with The Long Term Care Group (LTCG) voluntarily without good reason attributable to her employer.

This court may reverse or modify a ULJ's decision if the employee's substantial rights have been prejudiced because the ULJ's findings, inferences, conclusion, or decision are affected by error of law or unsupported by substantial evidence. Minn. Stat. § 268.105, subd. 7(d)(4)-(5) (2006). We review the ULJ's factual findings to determine whether they are supported by substantial evidence, and we defer to the ULJ's credibility determinations. Minn. Stat. § 268.105, subd. 7(d)(5); *Nichols v. Reliant Eng'g & Mfg., Inc.*, 720 N.W.2d 590, 594 (Minn. App. 2006) ("When witness credibility and conflicting evidence are at issue, we defer to the [ULJ]'s ability to weigh the evidence and make those determinations.").

An applicant who quits his or her employment is disqualified from receiving benefits unless one of eight enumerated exceptions applies. Minn. Stat. § 268.095, subd. 1 (2006). One of those exceptions is shown when an employee quits because of a good

reason caused by the employer. Minn. Stat. § 268.095, subd. 1(1). A good reason to quit caused by the employer must be “directly related to the employment for which the employer is responsible,” “adverse” to the employee, and one that “would compel an average, reasonable worker to quit and become unemployed . . . .” Minn. Stat. § 268.095, subd. 3(a)(1)-(3) (2006). “The determination that an employee quit without good reason attributable to the employer is a legal conclusion, but the conclusion must be based on findings that have the requisite evidentiary support.” *Nichols*, 720 N.W.2d at 594. This court reviews de novo whether an employee had good cause to quit. *Peppi v. Phyllis Wheatley Cmty. Ctr.*, 614 N.W.2d 750, 752 (Minn. App. 2000).

Here, Donna Saari worked for LTCG as a telephonic nurse interviewer. She decided to move from the Twin Cities area to rural Wisconsin to live with her ailing mother, and intended to continue working after the move. LTCG had no objection to the move, but required Saari to maintain Internet access of a certain speed. Saari was unable to arrange for Internet services at her new home that met with LTCG’s specifications for speed of transmission, and therefore resigned her position. Because Saari did not quit because of some action taken by LTCG, her decision to quit cannot fairly be said to have been the result of “good reason caused by the employer.” *See* Minn. Stat. § 268.095, subs. 1(1), 3(a).

We recognize that the statute provides that certain personal reasons for quitting a job will not disqualify an applicant from receiving benefits. *See* Minn. Stat. § 268.095, subs. (7), (8). However commendable, Saari’s decision to care for and be closer to her ailing mother does not protect her eligibility for unemployment benefits. *See Edward v.*

*Sentinel Mgmt. Co.*, 611 N.W.2d 366, 368 (Minn. App. 2000) (referring to unemployment decisions holding that a good personal reason to quit does not equate with good cause), *review denied* (Minn. Aug. 15, 2000).

Saari asserts that she resigned her position before moving, not after, and the ULJ erred in finding otherwise. However, this distinction and correction is not relevant to the ultimate legal determination at issue.

Because we conclude that the ULJ did not err by denying unemployment benefits to Saari, we affirm.

**Affirmed.**

Dated: