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**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-842**

Aaron A. Argent,
Relator,

vs.

Enterprise Leasing Company (MN Corp),
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed May 6, 2008
Affirmed
Worke, Judge**

Department of Employment and Economic Development
File No. 2015 07

Aaron A. Argent, 15426 Sodium Street NW, Ramsey, MN 55303 (pro se relator)

Enterprise Leasing Company (MN Corp), 7800 Highway 65 NE, Spring Lake Park, MN
55432 (respondent employer)

Lee B. Nelson, Katrina I. Gulstad, Department of Employment and Economic
Development, First National Bank Building, 332 Minnesota Street, Suite E200, St. Paul,
MN 55101 (for respondent Department)

Considered and decided by Hudson, Presiding Judge; Worke, Judge; and Collins,
Judge.*

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

UNPUBLISHED OPINION

WORKE, Judge

Relator challenges the decision by the unemployment-law judge that he quit his employment without a good reason caused by his employer and was disqualified from receiving unemployment benefits, arguing that he had good reason to quit because he was harassed and the workplace was hostile and unsafe. 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). We view the ULJ's findings in the light most favorable to the decision, and we will not disturb findings that are sufficiently supported by the record. *Skarhus v. Davanni's Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006).

The ULJ found that relator Aaron A. Argent voluntarily quit his employment as a management trainee at respondent Enterprise Leasing Company (MN Corp) after receiving a final warning for tardiness and performance concerns. "An applicant who

quit employment shall be disqualified from all unemployment benefits” unless a statutory exception applies. Minn. Stat. § 268.095, subd. 1 (2006). Relator does not contest that he quit his employment, but argues that he quit because of a good reason caused by his employer.

An exception to disqualification exists when an employee quits because of a good reason caused by the employer. *Id.*, subd. 1(1). A good reason caused by the employer 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). “[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 super-sensitive. *Id.* “The determination that an employee quit without good reason [caused by] the employer is a legal conclusion,” which we review de novo. *Nichols v. Reliant Eng’g & Mfg., Inc.*, 720 N.W.2d 590, 594 (Minn. App. 2006).

The record supports the ULJ’s finding that relator quit after he received a final warning. An employee voluntarily quits his employment when he leaves employment rather than await the outcome of disciplinary action. *Ramirez v. Metro Waste Control Comm’n*, 340 N.W.2d 355, 357-58 (Minn. App. 1983); *see also Seacrist v. City of Cottage Grove*, 344 N.W.2d 889, 892 (Minn. App. 1984) (holding that an employee who is faced with justified discipline or resignation, and chooses voluntary resignation is

disqualified from receiving unemployment benefits). Here, prior to receiving a final warning, relator's supervisor confronted him about inaccuracies in a résumé he posted online; specifically, that he indicated that his job title was branch manager, which, according to relator, was "pretty much a typo." Relator's supervisor also used the meeting to find out if relator intended to stay with Enterprise and to address performance issues, such as unprofessionalism and tardiness. During the meeting relator told his supervisor that he would not resign and that Enterprise would have to fire him. Relator's supervisor verbally warned relator, and believed that the meeting ended with the understanding that relator needed to improve. Following the meeting, relator's supervisor met with the human resources manager to ensure that he documented the meeting correctly. Relator interrupted the meeting and resigned. Relator completed a "Voluntary Separation Checklist For Employee," indicating that he voluntarily resigned and that he was leaving Enterprise for a "new job" and was "dissatisfied with work condition[s]." Based on the record, the ULJ did not err in determining that relator voluntarily quit his employment after a final warning.

Relator argues that he was forced to quit because he was harassed and the workplace was hostile. Relator contends that his supervisor told him that he wished he could fire relator but did not have the authority to do so, that he was a "cancer" to the office, and that things would be made difficult for him. While harassment may constitute a good reason caused by the employer, the harassment must be reported to the employer and the employer must be given an opportunity to correct the problem before the employee quits. Minn. Stat. § 268.095, subd. 3(c); *Tru-Stone Corp. v. Gutzkow*, 400

N.W.2d 836, 838 (Minn. App. 1987). Here, there is no evidence that relator reported any harassment or that the employer was given an opportunity to correct any possible harassment. Further, relator's supervisor denied telling relator that he would fire him if he had the authority to do so and denied telling relator that if he did not resign things would be hard for him. The ULJ considered relator's arguments but did not find that anyone at Enterprise made these comments to relator. Even if relator was told that he was a "cancer" to the company, that would not compel an average, reasonable worker to quit and become unemployed rather than remaining in the employment, because a good reason to quit caused by the employer "does not encompass situations whe[n] an employee experiences irreconcilable differences with others at work or whe[n] the employee is simply frustrated or dissatisfied with his working conditions." *Portz v. Pipestone Skelgas*, 397 N.W.2d 12, 14 (Minn. App. 1986). The record shows that relator quit his employment because he did not feel that it was a good fit for him. But "[a] good personal reason does not equate with good cause" to quit. *Kehoe v. Minn. Dep't of Econ. Sec.*, 568 N.W.2d 889, 891 (Minn. App. 1997) (quotation omitted). The record supports the ULJ's finding and decision that relator voluntarily quit his employment and is disqualified from receiving unemployment benefits.

Affirmed.