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Minn. Stat. § 480A.08, subd. 3 (2008).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A09-1874**

Ralph Nelson,  
Relator,

vs.

A & R Leasing Inc.,  
Respondent,

Department of Employment and Economic Development,  
Respondent.

**Filed May 11, 2010  
Affirmed  
Toussaint, Chief Judge**

Department of Employment and Economic Development  
File No. 22920012-3

Ralph Nelson, Pahrump, Nevada (pro se relator)

A & R Leasing Inc., Brainerd, Minnesota (respondent)

Lee B. Nelson, Britt K. Lindsay-Waterman, Department of Employment and Economic  
Development, St. Paul, Minnesota (for respondent Department of Employment and  
Economic Development)

Considered and decided by Toussaint, Chief Judge; Larkin, Judge; and Randall,  
Judge.\*

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

## UNPUBLISHED OPINION

TOUSSAINT, Chief Judge

Relator Ralph Nelson challenges the finding of the unemployment-law judge (ULJ) that relator quit his employment with respondent A & R Leasing Inc., making him ineligible for unemployment benefits. Because evidence substantially sustains the ULJ's finding, we affirm.

### DECISION

Respondent alleges that relator quit his employment; relator alleges that he was discharged. "Whether an employee voluntarily quit is a question of fact for the [decisionmaker]." *Hayes v. K-Mart Corp.*, 665 N.W.2d 550, 552 (Minn. App. 2003), *review denied* (Minn. Sept. 24, 2003). "A quit from employment occurs when the decision to end the employment was, at the time the employment ended, the employee's." Minn. Stat. § 268.095, subd. 2(a) (2008). "A discharge from employment occurs when any words or actions by an employer would lead a reasonable employee to believe that the employer will no longer allow the employee to work for the employer in any capacity." Minn. Stat. § 268.095, subd. 5(a) (2008).

The ULJ based his finding that relator quit on the testimony of relator and of respondent's manager. "[T]his court will not disturb the ULJ's factual findings when the evidence substantially sustains them." *Peterson v. Nw. Airlines Inc.*, 753 N.W.2d 771, 774 (Minn. App. 2008), *review denied* (Minn. Oct. 1, 2008). "Credibility determinations are the exclusive province of the ULJ and will not be disturbed on appeal." *Skarhus v. Davanni's Inc.*, 721 N.W.2d 340, 345 (Minn. App. 2006).

Respondent was in the business of selling new and used cars until it lost its franchise; thereafter, it could sell only used cars. Relator worked full time as a salesman for respondent for six months of each year; he spent the remainder of the year out of the state. Respondent and the manager each testified about what was said during two conversations after the loss of respondent's franchise.

The manager testified that, during the first conversation, relator told him

that there [were] too many salespeople for the sales that we were going to do, and . . . he didn't need the money anymore, and he was just going to hang it up, and he thought that he would just retire. . . . I told him at that time, if you want to hang it up, fine. If you want to remain working here, you got a job here. I'll let you make that decision.

Relator, when asked about this conversation, testified: "[The manager] said it was my decision whether I wanted to quit or not" and "I don't remember saying I didn't need the money. . . . I did say something [like] I could hang it up, I guess . . . ."

The second conversation occurred about two weeks later. The manager testified: "[Relator] came in my office and said, you know what? I'm going to hang it up. I don't need the money anymore, and we shook hands, and wished each other good luck, and went from there." Relator testified that, "I told [the manager], I said, why don't you just fire me and . . . be done with it. And he said, okay." Relator said he did not know why he asked the manager to fire him but added, "There was no business."

The manager later testified that respondent requires him to fill out "extensive paperwork" when he fires anyone and that he did not fill out paperwork on relator because he did not fire him. The manager also testified that, "If [relator] would like to come back to work, he is more than welcome." Relator replied: "[The manager] would

like to have me back, but if I'm not going to make any money, there's no sense in going back."

Based on this testimony, the ULJ found: "The available evidence shows that [relator] quit because business was slow and he wanted to retire." The parties' testimony substantially sustains the ULJ's finding that relator quit his employment.

**Affirmed.**