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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A11-1650**

Charles Hallquist,  
Relator,

vs.

Casual Male Store, LLC,  
Respondent,

Department of Employment and Economic Development,  
Respondent.

**Filed July 2, 2012  
Affirmed  
Kalitowski, Judge**

Department of Employment and Economic Development  
File No. 27791856-3

Charles Hallquist, Crystal, Minnesota (pro se relator)

Casual Male Store, LLC, St. Louis, Missouri (respondent)

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

Considered and decided by Kalitowski, Presiding Judge; Chutich, 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## UNPUBLISHED OPINION

**KALITOWSKI**, Judge

Relator Charles Hallquist challenges the decision of the unemployment-law judge (ULJ) that he is ineligible for benefits, arguing that the ULJ's findings are not supported by the evidence, and that he is eligible for benefits because he quit because of medical necessity pursuant to his doctor's recommendation. We affirm.

### DECISION

“We review de novo a ULJ's decision that an applicant is ineligible to receive unemployment benefits.” *Sykes v. Nw. Airlines, Inc.*, 789 N.W.2d 253, 255 (Minn. App. 2010). Findings of fact are reviewed in the light most favorable to the ULJ's decision, the ULJ's credibility determinations are given deference, and “we will not disturb the ULJ's factual findings when the evidence substantially sustains them.” *Skarhus v. Davanni's Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006). This court may “affirm the decision, remand it for further proceedings, or reverse or modify it if the relator's substantial rights have been prejudiced because the findings, inferences, conclusion, or decision is affected by an error of law or is unsupported by substantial evidence in view of the record as a whole.” *Sykes*, 789 N.W.2d at 255; *see also* Minn. Stat. § 268.105 subd. 7(d) (2010).

The ULJ concluded that relator is ineligible for benefits because he quit work. At the time his employment with respondent Casual Male Store LLC ended, relator held the position of retail manager at one of respondent's outlet stores. The ULJ found that relator quit working for respondent because he was experiencing significant work-related stress,

and the record indicates that the stress was causing high blood pressure and angina. Relator claimed his stress stemmed from anxiety over whether he would be fired because he believed respondent had unrealistic expectations of its managers. The ULJ found that, in May 2011, relator requested an accommodation from respondent to limit his employment to 20 hours per week to see if that improved his condition. Respondent accommodated this request, but relator's condition did not improve. On May 14, 2011, relator informed his supervisors that he was quitting because of his medical condition. At the appeal hearing, relator testified that he quit pursuant to his doctor's recommendation, but the ULJ found that relator failed to produce documentation of this recommendation and that it was not reasonable that a doctor would recommend relator quit his employment entirely.

Relator requested reconsideration and attached a letter from his physician, dated May 16, 2011, recommending that relator "leave his current position effective immediately for one that would be less stressful on his heart." On reconsideration, the ULJ affirmed the earlier decision because the physician's letter was dated two days after relator quit and therefore did not show that relator quit on his doctor's recommendation. The ULJ also concluded that the medical-necessity exception does not apply because relator did not request further accommodation from respondent after he continued to experience health problems on a reduced work schedule.

On appeal, relator claims that he is eligible for benefits because he quit his employment due to heart problems caused by work-related stress. An applicant is eligible for unemployment benefits if he or she quit employment "because the applicant's

serious illness or injury made it medically necessary that the applicant quit” and “the applicant informs the employer of the medical problem and requests accommodation and no reasonable accommodation is made available.” Minn. Stat. § 268.095, subd. 1(7) (2010).

Relator argues that, contrary to the ULJ’s finding, he did not end his employment with respondent until May 16, 2011, the date he received his doctor’s recommendation that he end his employment with respondent “effective immediately.” Relator testified at the hearing that he “quit” on May 14, 2011. In a questionnaire that was part of the record, relator stated that May 14, 2011, was the day he gave respondent notice of his intent to quit, and that his last work day was actually May 16, 2011. Thus, the ULJ’s finding that relator “quit” on May 14, 2011, is supported by relator’s testimony.

But even if relator’s last day was May 16, 2011, the medical-necessity exception does not apply because relator failed to request a reasonable accommodation from respondent before he quit. Relator asked for and received an accommodation to work fewer hours at the beginning of May 2011. But he failed to inform respondent or request a new accommodation when the reduced work schedule did not alleviate his health problems. Because relator failed to request an additional accommodation, the medical-necessity exception does not apply and the ULJ did not err in concluding that relator is ineligible for benefits.

**Affirmed.**