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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-0641**

Jacquelyn S. Schultz,
Relator,

vs.

Darts, Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed April 15, 2008
Affirmed
Collins, Judge***

Department of Employment and Economic Development
File No. 17605 06

Jacquelyn S. Schultz, 260 Westview Drive, #210, West St. Paul, MN 55118 (relator)

Darts Inc., PO Box 1160, Columbus, OH 43216 (respondent)

Lee B. Nelson, Katrina I. Gulstad, Department of Employment and Economic Development, E200 First National Bank Building, 332 Minnesota Street, St. Paul, MN 55101-1351 (for respondent Department of Employment and Economic Development)

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UNPUBLISHED OPINION

COLLINS, Judge

Relator challenges the decision by the unemployment-law judge that (a) she did not quit for good reason caused by her employer, and (b) she did not fit within the medically necessary exception, and that relator is thus disqualified from receiving unemployment benefits. We affirm.

FACTS

Relator Jacquelyn S. Schultz was employed by Darts, Inc. from December 1, 2004, until her quit effective November 14, 2006. Darts provides various care-giving services to seniors, and relator's job title was Home Services Program Assistant. Relator testified that she quit "because [she] felt the work environment was hostile. [She] felt [she] was harassed by [her] supervisor and it was affecting [her] health."

In December 2005, relator's work space was moved into a small conference room that she shared back-to-back with her supervisor. Relator described the room as noisy, cold in the winter, and hot in the summer; and she testified that her supervisor would "frequently" back her chair into relator's with some force. After relator complained to her supervisor in August 2006 that the space was too small, her supervisor responded that she, in turn, spoke to her supervisor and they "would be working on it." Relator raised the issue again in September or October 2006, and her supervisor again said they were "working on it." The employer acknowledged that it was a "tight space" and "an ongoing problem," and that he was aware, through relator's supervisor, of relator's complaints regarding the office space.

Relator testified that the tension between her and her supervisor came to a head on October 30, 2006, over a disagreement involving a work assignment that her supervisor took from relator's desk and completed. Relator described her supervisor as "very defensive" and loud. Relator asked her supervisor to "quit talking," and her supervisor replied that she did not like relator's attitude and that relator had a chip on her shoulder. The employer testified that, based on his "secondhand knowledge" of the incident, relator described the events "pretty accurately".

Relator testified that her supervisor was negative and brought her personal problems into the workplace. Relator also testified that her supervisor had "strong beliefs" in tarot cards and zodiac signs that she would discuss at work, and she once told relator that, because of her zodiac sign, relator was going to have "two years of h-ll" in her life. When asked by the unemployment-law judge (ULJ) to specify any other incidents she felt demonstrated her supervisor had behaved inappropriately, relator said, "No, I actually can't because I don't remember them. I tried to remember them and I thought you would ask and I don't. I tried to put them out of my mind." The employer did not dispute relator's complaints regarding her supervisor, but he testified that relator did not bring these concerns to his attention until October 30, the day before relator gave notice of her intent to quit. Relator admitted that the employer offered to speak with her supervisor and that she told him not to because she did not think it would help.

Relator testified that she had a headache every day during the last two to three months of her employment. In her application for unemployment benefits, relator claimed that on August 2, 2006, she had to leave work and go to the emergency room for

chest pains that she attributed to work-related stress. She also claimed stress had caused or worsened various other health problems.

The ULJ held relator to be disqualified from receiving unemployment benefits and affirmed on reconsideration. This certiorari appeal follows.

D E C I S I O N

Whether an employee had good cause to quit her employment is a question of law reviewed de novo. *Peppi v. Phyllis Wheatley Cmty. Ctr.*, 614 N.W.2d 750, 752 (Minn. App. 2000). But when the legal conclusion is based upon factual determinations, we view the ULJ's factual findings in the light most favorable to the decision, deferring to any credibility determinations supporting the findings. *Skarhus v. Davanni's, Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006). This court does not disturb the ULJ's factual findings when the evidence substantially sustains them. Minn. Stat. § 268.105, subd. 7(d)(5) (2006).

I.

Relator argues that the ULJ erred in finding that she had not quit for a good reason caused by the employer. We disagree.

Generally, quitting disqualifies individuals from receiving unemployment benefits. Minn. Stat. § 268.095, subd. 1 (2006). But an individual is not disqualified if she “quit the employment because of a good reason caused by the employer.” *Id.*, subd. 1(1).

A good reason caused by the employer for quitting 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).

Generally, personality conflicts and imperfect working conditions do not constitute good cause for quitting. *See id.* at 23-24 (“[d]issatisfaction with ‘crisis situation’ working conditions and the existence of a personality conflict” did not establish good cause for relator’s quit); *see also Portz v. Pipestone Skelgas*, 397 N.W.2d 12, 14 (Minn. App. 1986) (holding that “irreconcilable differences with others at work” or frustration with working conditions did not constitute good cause for the quit); *Bongiovanni v. Vanlor Invs.*, 370 N.W.2d 697, 699 (Minn. App. 1985) (holding that the relator did not have good cause to quit when the employer would not talk to her, greatly reduced her work duties, and made it clear he did not want relator there).

And even “[i]f an applicant was subjected to adverse working conditions by the employer, the applicant must complain to the employer and give the employer a reasonable opportunity to correct the adverse working conditions before that may be considered a good reason caused by the employer for quitting.” Minn. Stat. § 268.095, subd. 3(c) (2006).

Here, relator had a personality conflict with her supervisor. It appears that this conflict was exacerbated by their close working quarters. The employer was aware that relator was dissatisfied with the office-space situation several months before relator quit. But although it was undesirable, the work-space issue would not cause an average,

reasonable employee to quit, as evidenced by the fact that her supervisor shared the small space with relator and was able to continue to work for the employer. And relator did not report the specific problems she was having *with her supervisor* to the employer until the day before she submitted her two weeks' notice. Moreover, relator admitted she told the employer not to try and speak with her supervisor because relator did not think it would be helpful.

The ULJ concluded that “[w]hile [relator] was dissatisfied with her supervisor’s attitude and conduct, [she] was not subjected to such unreasonable treatment as would compel the average, reasonable worker to quit.” Further, “[relator] did not give [the employer] a reasonable opportunity to deal with her complaints about her supervisor.” We conclude that the ULJ’s determination is legally correct and substantially supported by the evidence.

II.

Relator argues that the ULJ erred in concluding that she did not fit in the medically necessary exception entitling her to receive unemployment benefits. We disagree.

An applicant is not disqualified from receiving unemployment benefits if

the applicant quit the employment because the applicant's serious illness or injury made it medically necessary that the applicant quit, provided that the applicant inform[ed] the employer of the serious illness or injury and request[ed] accommodation and no reasonable accommodation [was] made available.

Minn. Stat. § 268.095, subd. 1(7).

In her application for unemployment benefits, relator claimed that her work-related stress caused an emergency-room visit and caused or worsened various health conditions. At the hearing, the only health issue relator testified about was that she had a headache every day the last two to three months of her employment.

Relator submitted a physician's letter to the ULJ in support of her claim that she quit for health reasons. But she stated in a cover letter to the ULJ:

I consider the statement from my physician as personal and confidential, so I am not sending a copy of this statement to [the employer]. I would like for you to use this in your determination and I would appreciate it if the copy of this statement was viewed only by you in respect for the privacy of my health issues.

At the hearing, relator was informed by the ULJ that the physician's letter could not be received as evidence unless a copy was sent to the employer. Relator then stated, "I would like to go without [the physician's letter] then." Asked by the ULJ if she wanted to testify about what was contained in the physician's letter, relator replied, "Well no I don't want that [letter] to be sent to the employer so I don't want to talk about it then either."

Relator submitted two "witness letters" written by relatives of hers who were both employed elsewhere. These "witnesses" both wrote that relator was forced to leave her job for health reasons. At the hearing, relator admitted that these "witnesses" had "basically report[ed] in these letters what [she] had told them," but that they also had visited her office and "both of them agreed that the space that we had been given was small."

Finally, relator did not show that she had informed the employer of her health issues or that she had ever requested an accommodation. Thus, there is no evidence that the employer refused relator a reasonable accommodation.

The ULJ concluded:

Although [relator] testified that she was suffering from headaches, the record is simply insufficient to establish that [she] had a serious illness which made it necessary that she quit her employment. Additionally, [relator's] failure to inform [the employer] of her medical condition and her failure to request accommodation also makes the serious illness exception to disqualification inapplicable.

We conclude that this finding is legally correct and substantially supported by the evidence.

Affirmed.