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

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A08-0498**

Renee Harwood,  
Relator,

vs.

D.W. Jones Management Inc.,  
Respondent,

Department of Employment and Economic Development,  
Respondent.

**Filed January 27, 2009  
Affirmed  
Stauber, Judge**

Department of Employment and Economic Development  
File No. 20342942

Renee Harwood, 533 Fourth Street Southeast, Deer River, MN 56636-8623 (pro se relator)

D.W. Jones Management, Inc., Box 340, Walker, MN 56484-0340 (respondent employer)

Lee B. Nelson, Katrina I. Gulstad, Minnesota Department of Employment and Economic Development, Suite E200, 1st National Bank Building, 332 Minnesota Street, St. Paul, MN 55101-1351 (for respondent department)

Considered and decided by Stauber, Presiding Judge; Peterson, Judge; and  
Shumaker, Judge.

## **UNPUBLISHED OPINION**

**STAUBER, Judge**

In this certiorari appeal, relator Renee Harwood challenges the decision of the unemployment law judge (ULJ) that she was ineligible to receive unemployment benefits because she quit her employment with respondent D.W. Jones Management, Inc. Relator claims she had good reason to quit because her manager refused to reprimand a tenant for making complaints about her son. We affirm.

### **FACTS**

Relator Renee Harwood was employed as a caretaker by respondent D.W. Jones Management, Inc., a property management company, from April 1994 to November 2007. During that time, Harwood and her son lived in the apartment complex that she maintained for D.W. Jones. Beginning in 2007, one of the tenants in the complex began complaining to D.W. Jones about Harwood's son and his guests. The tenant complained on numerous occasions that the son invited guests over late at night and the headlights from their vehicles would shine into his apartment window. The complaints continued for three months, and Harwood grew increasingly irritated. Finally, on November 28, 2007, after being informed that management had received yet another complaint from the tenant regarding her son, Harwood asked her manager to meet with the tenant and demand that he stop complaining. The manager declined to "deal with it or hear about it" and told Harwood that she "just wants everyone to pity her." Upset with the manager's response, Harwood quit her employment with D.W. Jones.

Harwood applied for unemployment benefits and respondent Department of Employment and Economic Development (DEED) determined that she was ineligible to receive benefits because she voluntarily quit her employment. Harwood appealed the decision, and after a telephone hearing, the ULJ found that the manager's refusal to speak with the tenant and her "inappropriate comment" to Harwood that she was only seeking pity, did not constitute good reason for Harwood to quit her employment. Harwood requested reconsideration of the decision, but the ULJ affirmed. This certiorari appeal followed.

## **D E C I S I O N**

Harwood does not dispute that she quit her employment, but challenges the determination that she did not have good reason to quit caused by her employer. An applicant who quits employment is ineligible to receive unemployment benefits unless a statutory exception applies. Minn. Stat. § 268.095, subd. 1 (Supp. 2007). An exception applies when "the applicant quit the employment because of a good reason caused by the employer." Minn. Stat. § 268.095, 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." Minn. Stat. § 268.095, subd. 3(a) (Supp. 2007). A good reason to quit caused by the employer is a "reason that is real, not imaginary, substantial not trifling, and reasonable, not whimsical; there must be some compulsion produced by extraneous and necessitous circumstances." *Hanke v. Safari Hair Adventure*, 512 N.W.2d 614, 616

(Minn. App. 1994) (quotation omitted). “The determination that an employee quit without good reason [caused by] the employer is a legal conclusion, but the conclusion must be based on findings that have the requisite evidentiary support.” *Nichols v. Reliant Eng’g & Mfg., Inc.*, 720 N.W.2d 590, 594 (Minn. App. 2006).

Harwood claims that the reason for the quit is directly related to her employment because her manager refused to confront the tenant. Harwood’s situation is unique in that she was both an employee and tenant of D.W. Jones. But the dispute with the tenant and the manager’s subsequent refusal to address the tenant’s complaints are not directly related to her employment; rather, they stem from her son’s conduct as a tenant of the complex. Moreover, even if the manager’s refusal were related to Harwood’s employment, these circumstances would not compel an average, reasonable worker to quit. According to the record, the tenant complained on numerous occasions that Harwood’s son had been interfering with his quiet enjoyment of the property and was allegedly violating apartment rules. Because her son was responsible for the complaints that D.W. Jones received and because the tenant raised legitimate concerns about the son’s conduct, it would not be reasonable for Harwood to expect D.W. Jones to intervene on her or her son’s behalf. Further, there is no evidence that Harwood suffered any adverse consequences as a result of the complaints. Harwood was not reprimanded by D.W. Jones and the aggrieved tenant brought his complaints directly to D.W. Jones rather than confronting Harwood or her son. Finally, although the comment that Harwood “just wants everyone to pity her” was arguably inappropriate, it was not so egregious as to justify the quit. *See Portz v. Pipestone Skelgas*, 397 N.W.2d 12, 14 (Minn. App. 1986)

(stating that good reason to quit “does not encompass situations where an employee experiences irreconcilable differences with others at work”).

Because the reason for the quit was not related to relator’s employment and would not cause a reasonable employee to quit, we conclude that the ULJ properly determined that relator is ineligible to receive unemployment benefits because relator quit her employment without good reason caused by her employer.

**Affirmed.**