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**STATE OF MINNESOTA
IN COURT OF APPEALS
A08-2133**

Shannon M. Thompson,
Relator,

vs.

Stillwater Ford Lincoln-Mercury Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed September 29, 2009
Affirmed
Halbrooks, Judge**

Department of Employment and Economic Development
File No. 21116124

Shannon M. Thompson, 10415 Ponds Way, Elko, MN 55020 (pro se relator)

Stillwater Ford Lincoln-Mercury Inc., 12969 60th Street North, Stillwater, MN 55082
(respondent)

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

Considered and decided by Halbrooks, Presiding Judge; Johnson, Judge; and
Larkin, Judge.

UNPUBLISHED OPINION

HALBROOKS, Judge

Relator appeals from an unemployment-law judge's determination that she did not quit her employment for a good reason caused by her employer. Relator argues that (1) she was told that she would be fired, (2) her supervisors were denying her the leads she needed to perform her job, and (3) the hearing was unfair because she was denied the opportunity to present evidence of sex discrimination. We affirm.

FACTS

Relator Shannon Thompson worked as a custom-finance manager for respondent Stillwater Ford Lincoln-Mercury (Stillwater Ford) from July 5, 2008, to July 21, 2008. She had intermittently worked for motor-vehicle dealerships that were related to Stillwater Ford from June 2003 through July 2008. On July 21, 2008, relator quit her employment with Stillwater Ford. She established an unemployment benefit account with respondent Department of Employment and Economic Development, which initially determined that she was eligible for unemployment benefits. Stillwater Ford appealed the determination. Following a hearing, an unemployment-law judge (ULJ) issued a decision concluding that relator did not quit her employment for a good reason caused by her employer and was therefore ineligible for benefits. Relator filed a request for reconsideration, and the ULJ affirmed her decision. This certiorari appeal follows.

DECISION

We will affirm a ULJ's decision unless the decision violates constitutional provisions, exceeds the department's authority, derives from unlawful procedures or

other legal errors, is not supported by substantial evidence, or is arbitrary or capricious. Minn. Stat. § 268.105, subd. 7(d) (Supp. 2007). “We view the ULJ’s factual findings in the light most favorable to the decision, giving deference to the credibility determinations made by the ULJ. In doing so, 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) (citations omitted).

A benefit applicant who quits employment is ineligible for all unemployment benefits except when the applicant quits because of a good reason caused by the employer. Minn. Stat. § 268.095, subd. 1(1) (Supp. 2007). A good reason for quitting caused by the employer is a reason that “is directly related to the employment and for which the employer is responsible,” “is adverse to the worker,” and “would compel an average, reasonable worker to quit and become unemployed rather than remain[] in the employment.” *Id.*, subd. 3(a) (Supp. 2007).

Whether a benefit applicant quit for a good reason caused by the employer is a legal conclusion, which we review de novo, “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).

We first address relator’s argument that she quit because she claims that she was told that she would be fired and she did not want a firing on her employment record. This explanation does not constitute a “good reason” under the unemployment statute because the statute explicitly provides that “[n]otification of discharge in the future . . . is

not considered a good reason caused by the employer for quitting.” Minn. Stat. § 268.095, subd. 3(e) (Supp. 2007).

Second, relator argues that she quit because her employer was denying her leads. As a custom-finance manager, relator was essentially a salesperson who depended on leads created by her employer; she did not find her own potential customers. The ULJ found that an average, reasonable worker would not have quit in relator’s situation. Relator was away from work on medical leave for most of July 2008, which prevented her from fulfilling many of her duties. The ULJ found that relator was guaranteed to receive her \$4,000 monthly base salary during July, even if she did not finance a single vehicle. The findings are substantially sustained by the record, and the ULJ’s conclusion that relator did not quit for a good reason caused by the employer is not erroneous.

Finally, relator argues the ULJ improperly excluded evidence of sex discrimination. A ULJ “may exclude any evidence that is irrelevant, immaterial, unreliable, or unduly repetitious.” Minn. R. 3310.2922 (2007). Relator did not claim in her application for benefits or at the hearing that she quit because she was being discriminated against. One of relator’s witnesses, a former coworker, tried to raise the subject during the hearing. The ULJ stopped the witness, stating that the evidence was not relevant because relator “never expressed that she was quitting because” of the alleged sex discrimination. Based on this record, the ULJ properly exercised her discretion to exclude the evidence.

Affirmed.