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**STATE OF MINNESOTA
IN COURT OF APPEALS
A09-469**

William Roberts,
Relator,

vs.

Truck Crane Service Co.,
Respondent,

Department of Employment
and Economic Development,
Respondent.

**Filed December 15, 2009
Affirmed
Klaphake, Judge**

Department of Employment and Economic Development
File No. 21224173-7

William Russell, Robert, P.O. Box 314, Chetek, WI 54728 (pro se relator)

Truck Crane Service Company, 2875 Highway 55, Eagan, MN 55121-1406 (respondent)

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

Considered and decided by Toussaint, Chief Judge; Klaphake, Judge; and
Bjorkman, Judge.

UNPUBLISHED OPINION

KLAPHAKE, Judge

In this certiorari appeal involving eligibility to receive unemployment benefits, relator William Roberts left a construction work site in Oklahoma on August 5, 2008 where he was employed as a journeyman millwright for respondent Truck Crane Service Company. The unemployment law judge (ULJ) concluded that relator quit his employment when he left the work site with a fellow employee with whom relator had driven a long distance to the job because the fellow employee had to leave for personal reasons. The ULJ concluded that this conduct amounted to leaving work without permission from his supervisors or proper excuse. Relator was thus ineligible to receive benefits. We affirm because we conclude that there was substantial evidence to support the ULJ's decision and that relator's other claims challenging various aspects of the evidentiary hearing are without merit or proper legal support.

DECISION

On review of an unemployment benefits decision, this court may affirm, reverse, or modify the ULJ decision, among other reasons, if it is "unsupported by substantial evidence in view of the entire record as submitted; or . . . arbitrary and capricious." Minn. Stat. § 268.105, subd. 7(d) (2008). This court views the ULJ findings in the light most favorable to the decision and will not disturb findings that are substantially supported by the record. *Skarhus v. Davanni's, Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006). This court also defers to the ULJ's credibility determinations and evaluations of

conflicting evidence. *Nichols v. Reliant Eng'g & Mfg., Inc.*, 720 N.W.2d 590, 594 (Minn. App. 2006).

An employee who quits employment is ineligible to receive benefits. Minn. Stat. § 268.095, subd. 1 (2008). The question of whether an employee quit employment is a question of fact. *Shanahan v. Dist. Mem'l Hosp.*, 495 N.W.2d 894, 896 (Minn. App. 1993). Whether an employee quit without good reason caused by the employer is a legal question subject to de novo review. *Nichols*, 720 N.W.2d at 594.

Relator attacks the ULJ decision in two respects: he challenges the factual basis for the decision, and he challenges the ULJ's handling of the evidentiary hearing. As to the factual basis for the decision, relator claims that he did not quit his employment and labels his departure from employment a "contrived quit." Because there was conflicting evidence on this point, the ULJ had the authority to make credibility determinations and resolve conflicting evidence, which it did by making factual findings that supported respondent's version of the facts. *See id.* There was substantial evidence in the record to support the ULJ's decision that relator quit his employment—relator was the only witness to testify that he did not quit his employment, and even he stated that it was only his "impression," based on his conversation with his superiors, that he had permission to leave the jobsite on August 5. Under these circumstances, we reject relator's factual challenge to the ULJ's decision.

Relator also makes several different claims with regard to the manner in which the ULJ conducted the evidentiary hearing. Relator specifically claims that the ULJ failed to administer an oath in this hearing; that the ULJ was "disorganized and confused"; that the

ULJ failed to take testimony from relator's coworker, Gary Randle; that respondent's attorney had to be admonished "for raising irrelevant issues"; and that the ULJ was "prejudiced by a previous hearing."

While pro se parties are "held to the same standards as attorneys," *Heinsch v. Lot 27, Block 1 For's Beach*, 399 N.W.2d 107, 109 (Minn. App. 1987), this court allows "reasonable accommodation" to a pro se party. *Kasson State Bank v. Haugen*, 410 N.W.2d 392, 395 (Minn. App. 1987). Relator's brief includes only bald allegations without argument or citation to legal authority; under such circumstances, this court could consider relator to have waived the issues he assigned as error. *See State, Dep't. of Labor & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (declining to address issue not adequately briefed); *Schoepke v. Alexander Smith & Sons Carpet Co.*, 290 Minn. 518, 519-20, 187 N.W.2d 133, 135 (1971) (holding issues assigned as error waived when unsupported by argument or authority, unless error is obvious).

Further, on the merits, the hearing transcript does not support relator's claims. The ULJ is allowed great leeway in determining how to conduct the evidentiary hearing; the ULJ has the duty to "ensure that all relevant facts are clearly and fully developed," but the ULJ has no duty to follow "technical rules of procedure" or "rules of evidence" and "has discretion regarding the method by which the evidentiary hearing is conducted." Minn. Stat. § 268.105, subd. 1(b) (2008). Because Gary Randle's evidentiary hearing occurred just before relator's and involved the same essential facts and identical witnesses, the ULJ reminded the parties at the commencement of relator's hearing that

they were still under oath. Relator has not demonstrated that his essential rights were violated by this procedure; any minor procedural irregularity does not merit reversal of the ULJ decision.

Likewise, the record does not show that the ULJ was either disorganized or confused. There was a technical problem with faxing some materials to respondent's attorney at the beginning of the hearing, but this issue was resolved. Otherwise, the hearing proceeded in an orderly fashion and both parties were allowed to present their evidence as required by statute. *See id.*

Relator argues that the ULJ failed to hear testimony from Gary Randle, but it was relator's responsibility to produce evidence in his favor. Gary Randle appeared in the initial portion of the hearing, and the ULJ asked relator whether he intended to call Randle as a witness. Later, relator stated that Randle left because he needed to get back to work. Because relator did not apprise the ULJ of Randle's need to testify early in the hearing, the ULJ did not abuse its discretion by eliciting relator's evidence before Randle's.

We also reject relator's argument that respondent's attorney was admonished for raising irrelevant issues. This apparently refers to the ULJ's directing respondent's attorney to limit his questions regarding relator's receipt of worker's compensation benefits to how those benefits impacted his right to unemployment benefits. Such an order by the ULJ was within its discretion and was favorable to relator.

Finally, relator claims that the ULJ was prejudiced by holding an evidentiary hearing involving Gary Randle's appeal just prior to relator's appeal. We find no merit to

this claim because relator has offered no factual or legal support for it. *See Wintz*, 558 N.W.2d at 480. We also note that based on our review of the record, the ULJ conducted a fair hearing in this case.

Affirmed.