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**STATE OF MINNESOTA
IN COURT OF APPEALS
A09-1540**

Craig Kangas,
Relator,

vs.

Scenic Boundaries Transportation Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed April 13, 2010
Affirmed
Lansing, Judge**

Department of Employment and Economic Development
File No. 22391943-3

Craig A. Kangas, Mora, Minnesota (pro se relator)

Jill A. James, Kalina, Wills, Gisvold & Clark PLLP, Minneapolis, Minnesota (for respondent Scenic Boundaries Transportation Inc.)

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

Considered and decided by Schellhas, Presiding Judge; Lansing, Judge; and Halbrooks, Judge.

UNPUBLISHED OPINION

LANSING, Judge

Craig Kangas appeals, by writ of certiorari, an unemployment law judge's determination that he is ineligible for unemployment benefits. Because we conclude that substantial evidence supports the determination that Kangas quit his employment and no exceptions to ineligibility apply, we affirm.

F A C T S

Scenic Boundaries Transportation, Inc. employed Craig Kangas as a long-distance truck driver from April 2005 until April 2009. On April 3, 2009, Kangas told his supervisor that he was quitting his job. Kangas applied to the Minnesota Department of Employment and Economic Development for unemployment benefits, alleging that his employer routinely violated equipment and operating regulations. The department determined that Kangas was eligible for benefits because he quit his employment for good reason caused by his employer. Scenic Boundaries appealed and a hearing was scheduled.

At the hearing, Kangas explained that in February 2009 he received a citation for an overweight trailer load and other violations. In March someone threw a rock through Kangas's windshield. When he stopped to report it, he received a citation for driving more than the maximum number of hours permitted in a week. On other trips in March, one of his truck tires blew out and he ran out of gas in the middle of the night. Kangas stated that no one at Scenic Boundaries had ever required him to drive more than the permitted amount of time and that it was his responsibility to ensure that he did not

exceed the driving-hour regulations. When asked why he quit, Kangas testified that he quit because of “the two tickets, the rock through the windshield, [his] right front tire blowing out, [and] r[unning] out of fuel in the middle of the night, [which] caused [him] to go over hours again[.] . . . [I]t was just a bad, bad month.”

Kangas testified that after he quit he learned that he had heart and gall-bladder problems, but he did not go to a doctor before he quit. And, although he had told his supervisor before he quit that he had health concerns, he did not ask for time off or any other accommodation. Kangas stated that his employer could have required fewer runs in a month to address Kangas’s stress and health concerns, but he agreed that it was generally his choice whether to do an extra long-distance run in any given month. He also said that he chose to make all of the runs in which he experienced the series of problems. When Kangas told his supervisor that he “was done,” his supervisor asked him if he wanted a leave of absence. Kangas replied that he did not know how much time he needed and testified at the hearing that his intention was to quit.

The unemployment law judge (ULJ) concluded that Kangas’s working conditions were not so extreme that they constituted a good reason to quit caused by his employer, that it was not medically necessary for him to quit, and that, therefore, Kangas was not eligible for unemployment benefits. Kangas requested reconsideration and submitted additional documentation. The ULJ affirmed the ineligibility decision and stated that Kangas did not provide good cause for failing to submit the documents for the evidentiary hearing and that the additional evidence would not likely change the outcome. Kangas now petitions for review.

DECISION

We review a ULJ's decision on eligibility for unemployment benefits to determine whether substantial rights were prejudiced because the findings, inferences, conclusion, or decision were affected by error of law or unsupported by substantial evidence in view of the entire record. Minn. Stat. § 268.105, subd. 7(d) (2008) (providing bases on which this court may reverse or modify ULJ's decision).

I

An employee who quits employment is ordinarily ineligible for benefits unless an exception applies. Minn. Stat. § 268.095, subd. 1 (2008). But an employee who quits his employment is eligible for benefits if he quit his job for a good reason caused by his employer. *Id.*, subd. 1(1). The determination that an employee quit without good reason is a legal conclusion that we review de novo. *Zepp v. Arthur Treacher Fish & Chips, Inc.*, 272 N.W.2d 262, 263 (Minn. 1978) (characterizing decision as conclusion of law); *see also Jenkins v. Am. Express Fin. Corp.*, 721 N.W.2d 286, 289 (Minn. 2006) (exercising independent judgment on issue of law).

A good reason caused by the employer must be a reason adverse to the worker, directly related to the employment, and within the employer's scope of responsibility. Minn. Stat. § 268.095, subd. 3(a) (2008). It must also be a reason that would compel an average, reasonable worker to quit and become unemployed. *Id.* Additionally, the employee "must complain to the employer and give the employer a reasonable opportunity to correct the adverse working conditions before [the reason] may be considered a good reason caused by the employer for quitting." *Id.*, subd. 3(c) (2008).

Kangas testified that he quit because of the nature of the job and the stress it caused him—particularly in the last month of his employment. But Kangas also stated that his employer was not responsible for most of the stressful incidents. Although Kangas’s job was difficult and the conditions gave him personal reasons to quit, these reasons do not amount to good cause for the purposes of obtaining unemployment benefits. *See Edward v. Sentinel Mgmt. Co.*, 611 N.W.2d 366, 368 (Minn. App. 2000) (referring to unemployment decisions holding that good personal reasons do not equate to good cause), *review denied* (Minn. Aug. 15, 2000). Similarly, the “good cause” exception does not encompass situations in which the employee quits because of personal frustration or dissatisfaction with his working conditions. *Portz v. Pipestone Skelgas*, 397 N.W.2d 12, 14 (Minn. App. 1986); *Bongiovanni v. Vanlor Invs.*, 370 N.W.2d 697 (Minn. App. 1985).

Kangas also argued that it was medically necessary for him to quit. An employee who “quit the employment because [his] serious illness or injury made it medically necessary that [he] quit,” may be eligible for benefits if he requested and was denied reasonable accommodation. Minn. Stat. § 268.095, subd. 1(7) (2008). Whether an employee quit based on medical necessity is a question of law, which we review *de novo*. *Madsen v. Adam Corp.*, 647 N.W.2d 35, 38-39 (Minn. App. 2002).

Kangas did not show that it was medically necessary for him to quit. Kangas did not see a doctor before quitting and only received his diagnoses after he quit. He testified that he could have had time off if he wanted it but that he never made the request or

asked for an accommodation for his health. And Kangas declined his supervisor's offer of a leave of absence.

Kangas did not demonstrate that he quit his employment for a "good reason caused by the employer" or because it was "medically necessary." The ULJ did not err in determining that Kangas was ineligible to receive unemployment benefits.

II

The second issue is whether it was an abuse of the ULJ's discretion to deny Kangas's request for reconsideration. An unsuccessful claimant may request reconsideration after the ULJ issues a decision. Minn. Stat. § 268.105, subd. 2(a) (2008). In deciding a request for reconsideration, the ULJ may only consider newly submitted evidence "for purposes of determining whether to order an additional evidentiary hearing." Minn. Stat. § 268.105, subd. 2(c) (2008). The ULJ must order another evidentiary hearing if (1) the evidence not offered at the original hearing would change the outcome and the petitioner shows good cause for failing to submit that evidence, or (2) if the evidence submitted at the initial hearing was likely false and affected the outcome. *Id.* We will affirm a ULJ's decision if it is a proper exercise of discretion. *Skarhus v. Davanni's, Inc.*, 721 N.W.2d 340, 345 (Minn. App. 2006).

In his request for reconsideration, Kangas stated only that he was in Abbott Hospital the day before the hearing and was not prepared. He submitted additional documentation on Scenic Boundaries' safety record, the distance of his last trip, and his weight violation. Although Kangas was understandably preoccupied with his health, he knew the focus of the hearing would be on his allegations of Scenic Boundaries'

equipment and regulatory violations and he did not request that the ULJ reschedule the hearing. *See* Minn. R. 3310.2908 (2007) (stating that ULJ “must reschedule a hearing at the request of a party” based on “a party’s need for additional time to . . . adequately prepare . . . [or] due to illness”). It was not an abuse of discretion for the ULJ to find that Kangas did not provide good cause for the late submission.

Also, Kangas’s assertions in his request for reconsideration were not likely to change the outcome. Evidence indicating that Kangas could not have completed his most recent route without violating maximum-hour regulations does not establish that Kangas had told his employer of the problem and given his employer an opportunity to correct it. Kangas’s testimony at the hearing that he did not know the length of time needed to complete the route shows that even he was unaware of the problem until after he quit. In his reconsideration request, Kangas stated that his supervisor was abusive in response to time-off requests. The method of handling time-off requests was addressed at the initial evidentiary hearing and Kangas has not indicated how further testimony could change the result. Kangas stated that time off was available and that he made the final decision on whether to take additional routes. It was not an abuse of discretion for the ULJ to determine that the evidence Kangas submitted would not likely change the outcome.

Affirmed.