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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A09-2079**

Jill Stefansen,
Relator,

vs.

Aerotek Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed August 17, 2010
Affirmed
Willis, Judge***

Department of Employment and Economic Development
File No. 23113859-3

Jill Stefansen, St. Anthony, Minnesota (pro se relator)

Aerotek Inc., St. Louis, Missouri (respondent)

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

Considered and decided by Toussaint, Chief Judge; Peterson, Judge; and Willis,
Judge.

*Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

UNPUBLISHED OPINION

WILLIS, Judge

Relator challenges the decision of the unemployment-law judge (ULJ), who ruled that relator was ineligible for unemployment benefits because she quit without good reason caused by her employer. Because the ULJ properly applied the law to conclude that relator was ineligible, we affirm.

FACTS

Relator Jill Stefansen worked for respondent Aerotek Inc., a temporary agency, from April 27, 2009, through July 24, 2009. At the time she was hired, she told the Aerotek account representatives that she did not want to perform collections work. Aerotek assigned her to work for Wells Fargo Home Mortgage as a telephone representative handling calls regarding short sales and other matters. But on July 1, Wells Fargo transferred this work to its Milwaukee office and instead assigned Stefansen to home-mortgage collections. After performing her new duties for about three and a half weeks, Stefansen quit her job because she believed that her training was inadequate and because she did not want to work in collections.

Stefansen applied for unemployment benefits, and the Minnesota Department of Employment and Economic Development (DEED) issued a determination of ineligibility. Stefansen appealed, and, after a telephone hearing in September 2009, the ULJ ruled that Stefansen quit her employment without good reason caused by the employer and was ineligible for unemployment benefits. She requested reconsideration, and the ULJ affirmed. This certiorari appeal follows.

DECISION

This court may affirm a ULJ's decision, remand it for further proceedings, or reverse or modify it if the relator's substantial rights have been prejudiced because the findings, inferences, conclusion, or decision are affected by error of law or not supported by substantial evidence. Minn. Stat. § 268.105, subd. 7(d)(4), (5) (2008). This court will review findings in the light most favorable to the decision and defer to the ULJ's credibility determinations. *Skarhus v. Davanni's Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006). We review questions of law de novo. *Id.*

“An applicant who quit employment is ineligible for all unemployment benefits” unless an exception applies. Minn. Stat. § 268.095, subd. 1 (Supp. 2009). We first address Stefansen's argument that she is eligible for benefits under an exception that applies to an applicant who “quit the employment within 30 calendar days of beginning the employment because the employment was unsuitable for the applicant.” Minn. Stat. § 268.095, subd. 1(3) (Supp. 2009). Stefansen contends that she had one job when she was performing the short-sale duties and a second job when she was performing the collections duties, and that she quit the second job within 30 days because it was unsuitable. But despite the change in duties, Stefansen was still working at Wells Fargo on the same assignment from Aerotek. When an employee of a temporary agency has worked at an ongoing assignment and quit well after 30 days of starting the assignment, the suitability of the position under subdivision 1(3) is irrelevant to the issue of eligibility for benefits. *Lamah v. Doherty Employment Group, Inc.*, 737 N.W.2d 595, 602 (Minn. App. 2007).

Stefansen also argues that she is eligible for benefits under the exception for an applicant who had good reason caused by the employer to quit employment. Minn. Stat. § 268.095, subd. 1(1) (Supp. 2009). Good reason caused by the employer exists when there “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) (2008).

Stefansen first contends that the ULJ implied in his initial findings that she was told at the time she was hired by the Aerotek account representatives that they were unable to do anything about Wells Fargo’s decision to change her duties from short sales to home-mortgage collections. Stefansen points out that she instead testified that it was not until she complained to the Aerotek account representatives that Wells Fargo had given her collection duties that they told her they could do nothing about Wells Fargo’s decision to change her duties. In any event, the ULJ found that Aerotek did not guarantee that she would get a job that would not involve collections duties, and this finding is supported by substantial evidence in the record. An employee may have good reason to quit if the employer breaches the terms of an employment agreement. *Hayes v. K-Mart Corp.*, 665 N.W.2d 550, 553 (Minn. App. 2003), *review denied* (Minn. Sept. 24, 2003). But here, when there was no showing that a guarantee that Stefansen would do no collections work was a condition of her employment with Aerotek, Stefansen did not have good reason to quit when she was given such duties.

Stefansen next contends that she had good reason to quit caused by the employer because she received inadequate training for the mortgage-collections work, which she believed resulted in Wells Fargo's customers being poorly served and even losing their homes. Despite her belief that she received inadequate training that affected her job performance, Wells Fargo gave her no warnings indicating a deficiency in her job performance, and her performance met Aerotek's standards. The good-reason exception does not apply when "the employee is simply frustrated or dissatisfied with his working conditions." *Portz v. Pipestone Skelgas*, 397 N.W.2d 12, 14 (Minn. App. 1986). Consequently, the ULJ's decision that Stefansen did not have good reason to quit is supported by the findings and the relevant law.

Affirmed.