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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A10-25**

Heidi Sletten,
Relator,

vs.

Oakland Park Communities Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed October 12, 2010
Affirmed
Kalitowski, Judge**

Department of Employment and Economic Development
File Nos. 23442259-2, 23093699-3

Heidi Sletten, Thief River Falls, Minnesota (pro se relator)

Oakland Park Communities Inc., Thief River Falls, Minnesota (respondent)

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

Considered and decided by Worke, Presiding Judge; Kalitowski, Judge; and Ross,
Judge.

UNPUBLISHED OPINION

KALITOWSKI, Judge

Pro se appellant Heidi Sletten challenges the unemployment-law judge's (ULJ) decision that she is ineligible to receive unemployment benefits, arguing that because she was participating in reemployment-assistance training she was not required to seek or accept work while she was attending school. We affirm.

DECISION

In reviewing a ULJ's eligibility decision, this court may affirm or remand the ULJ's decision, or it may reverse or modify the decision if the relator's substantial rights have been prejudiced because the ULJ's findings or decision are, among other things, made upon unlawful procedure, affected by error of law, or unsupported by substantial evidence in the record. Minn. Stat. § 268.105, subd. 7(d) (2008). This court reviews the ULJ's factual findings in the light most favorable to the decision, and will not disturb the findings if they are substantially sustained by the evidence. *Peterson v. Nw. Airlines Inc.*, 753 N.W.2d 771, 774 (Minn. App. 2008), *review denied* (Minn. Oct. 1, 2008). But statutory interpretation is a question of law that we review de novo. *Abdi v. Dep't of Emp't & Econ. Dev.*, 749 N.W.2d 812, 815 (Minn. App. 2008).

In March 2008, after being laid off from her job, relator enrolled in respondent Minnesota Department of Employment and Economic Development's (DEED) dislocated-worker program to receive training to become a nurse. Full-time training provided by DEED's dislocated-worker program qualifies as "reemployment-assistance training" for purposes of the unemployment-insurance statutes. Minn. Stat. § 268.035,

subd. 21a(b) (Supp. 2009); *see id.*, subd. 21a(a)(1) (Supp. 2009) (providing that reemployment-assistance training is available for individuals who do not have “a reasonable opportunity for suitable employment . . . in the labor market area” and for whom additional training would be helpful in obtaining suitable employment).

An applicant may be eligible for unemployment benefits if, among other requirements, the applicant is available for suitable employment and is actively seeking suitable employment. Minn. Stat. § 268.085, subds. 1(4), (5) (Supp. 2009). But both of these requirements provide an exception for individuals in reemployment-assistance training. *Id.*; *see also id.*, subd. 15(b) (Supp. 2009) (providing that a student applicant who has regularly scheduled classes must be willing to discontinue classes to accept suitable employment unless the student is in reemployment-assistance training).

In addition, an applicant on a voluntary leave-of-absence is ineligible for unemployment benefits for the duration of the leave-of-absence. Minn. Stat. § 268.085, subd. 13a(a) (2008). A leave-of-absence is voluntary when there is work available for the applicant, but the applicant chooses not to work. *Id.*

Here, the record shows that after enrolling in DEED’s dislocated-worker program, relator took a part-time position as a certified-nursing assistant at respondent Oakland Park Communities Inc. But the record indicates that relator subsequently took a leave-of-absence from her position to accommodate her intense summer school schedule. Thus, the record supports the ULJ’s determination that relator took a voluntary leave-of-absence pursuant to section 268.085, subdivision 13a(a). And Oakland’s representative

testified that there was work available for relator during relator's leave-of-absence. Relator testified that she chose not to work because she wanted to focus on school.

Although section 268.085 exempts individuals in reemployment-assistance training from having to seek or be available for suitable employment in order to be eligible for benefits, the section does not exempt from ineligibility individuals who have taken a voluntary leave-of-absence. We conclude, therefore, that the ULJ did not err in determining that relator is ineligible to receive unemployment benefits for the duration of her leave-of-absence.

Affirmed.