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Minn. Stat. § 480A.08, subd. 3 (2006).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-345**

Robert L. Revilla,
Relator,

vs.

Transformation House, Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed April 8, 2008
Affirmed
Johnson, Judge**

Department of Employment and Economic Development
File No. 15601 06

Robert L. Revilla, P.O. Box 580371, Minneapolis, MN 55458-0371 (pro se relator)

Transformation House, Inc., 1410 South Ferry Street, Anoka, MN 55303-2152
(respondent)

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Development, First National Bank Building, 332 Minnesota Street, Suite E200, St. Paul,
MN 55101-1351 (respondent Department)

Considered and decided by Lansing, Presiding Judge; Ross, Judge; and Johnson,
Judge.

UNPUBLISHED OPINION

JOHNSON, Judge

Robert L. Revilla was a counselor at Transformation House, Inc., a chemical-dependency treatment center in Anoka. An unemployment law judge (ULJ) found that Revilla quit his job without good cause and, thus, is disqualified from receiving unemployment benefits for the period of time following his quit date. Revilla argues that the ULJ made improper credibility determinations and erroneously found that Revilla intended to quit. We affirm.

FACTS

Revilla was employed by Transformation House from January 30, 2006, to September 27, 2006. While there, he often had disputes with co-workers. Revilla received a warning in August 2006 from Betty Mathews, the director and owner of Transformation House, because some colleagues complained that he too often was unavailable during working hours. In addition, Mathews believed that Revilla responded to her and others' concerns in an unprofessional manner.

During his employment, Revilla also expressed disagreement with the way in which Transformation House counseled its clients. This issue became an open conflict during a September 19, 2006, staff meeting when all other staff members disagreed with Revilla about whether to discharge a particular client. According to the testimony of Mathews and drug counselor Nancy Carkhuff, Revilla stood up during the meeting, yelled at others for wanting to "get rid of" clients, talked over other staff members, and would not calm down. As a result, Mathews adjourned the meeting.

After the meeting, Revilla visited Mathews in her office, slammed the door, and said, "It's not working out." Revilla asked Mathews for a letter of reference and said he would leave Transformation House in two weeks. Mathews responded by accepting his resignation and suggesting that Revilla complete his pending assignments during that two-week period. Mathews's secretary, Cheryl Whipple, was present in Mathews's office during this conversation. Revilla left a letter on Mathews's desk later that evening, reiterating his request for a letter of reference.

On September 25, 2006, Mathews prepared and signed a letter to Revilla confirming her acceptance of his resignation and that October 3, 2006, would be his last day of work. This letter was delivered to Revilla on September 27, 2006, while Mathews was on vacation, by Carkhuff, who had overall responsibility for Transformation House during Mathews's absence. Upon receiving the letter, Revilla angrily denied that he had quit his job and demanded to speak with Mathews. Carkhuff called Mathews by telephone to ask how she should handle the situation. Mathews instructed Carkhuff to terminate Revilla and ask him to leave. Undaunted, Revilla called Mathews to speak with her directly. Mathews reiterated for Revilla that he had been terminated. That same day, September 27, 2006, Revilla sent a letter to Mathews stating that she had "misunderstood" his request for a letter of reference and that it "by no means suggested [he] wanted to resign."

Revilla established an account with the Minnesota Department of Employment and Economic Development (DEED) to obtain unemployment benefits. A DEED adjudicator initially determined that Revilla had been discharged for reasons other than

misconduct and, thus, was not disqualified from receiving benefits. Transformation House appealed. After a telephone hearing, the ULJ found that Revilla had, on September 19, 2006, quit his position without good cause, effective October 3, 2006. The ULJ thus determined that Revilla was disqualified from unemployment benefits pursuant to Minn. Stat. § 268.095, subd. 1 (2006), for the period of time following October 3, 2006. Revilla filed a request for reconsideration, and the ULJ affirmed. Revilla received benefits for the period between the date of his actual termination, September 27, and his intended quit date, October 3, pursuant to subdivision 5(a)-(b), and his receipt of those benefits is not contested. Revilla appeals by way of a writ of certiorari to seek benefits for the period after October 3, 2006.

D E C I S I O N

Revilla's basic contention on appeal is that the ULJ improperly found that he gave notice of his intent to quit his position. Under Minnesota law, employees who quit employment are disqualified from unemployment benefits. Minn. Stat. § 268.095, subd. 1 (2006). A "quit" has occurred when "the decision to end the employment was, at the time the employment ended, the employee's" and remains a quit even if the employer declines to accept an employee's subsequent withdrawal of a notice of quit. *Id.*, subd. 2(a)-(b). If, after a notice of quit, the employer does not allow the employee to work until the intended date of disengagement, the employee will be considered discharged and, thus, eligible for benefits for the duration of the notice period but will be ineligible thereafter. *Id.*, subd. 5 (a)-(b).

Revilla first argues that the ULJ improperly found Mathews's and Whipple's testimony credible and his own testimony not credible. When making a credibility determination, a ULJ must "set out the reason for crediting or discrediting that testimony." Minn. Stat. § 268.105 subd. 1(c). Credibility determinations are generally the "exclusive province of the ULJ and will not be disturbed on appeal." *Skarhus v. Davanni's Inc.*, 721 N.W.2d 340, 345 (Minn. App. 2006). This court will affirm a credibility determination if the ULJ's findings are "supported by substantial evidence and provide the statutorily required reason for her credibility determination." *Ywswf v. Teleplan Wireless Servs., Inc.*, 726 N.W.2d 525, 533 (Minn. App. 2007).

At the hearing, Revilla testified that "he wanted the letter of reference in order to look for work closer to his home." Revilla denied that he ever expressed his intent to quit. The ULJ explained that he found Revilla's testimony not credible because Revilla did not get along with co-workers and because his conversation with Mathews occurred immediately after the confrontation at the staff meeting. The ULJ credited Mathews's and Whipple's testimony, on the other hand, because they corroborated each other. The ULJ's explanation of these credibility determinations is reasonable in light of the circumstances. *See Frank v. Heartland Auto. Servs., Inc.*, 743 N.W.2d 626, 630 (Minn. App. 2008) (deferring to ULJ's credibility assessments based on weight of circumstantial evidence); *Lamah v. Doherty Employment Group, Inc.*, 737 N.W.2d 595, 598 (Minn. App. 2007) (deferring to ULJ when "reviewing credibility and conflicting evidence").

Revilla next argues that the ULJ's finding that he quit is not supported by the record. This court may reverse a ULJ's decision only if "the findings, inferences,

conclusion, or decision are . . . unsupported by substantial evidence in view of the entire record as submitted.” Minn. Stat. § 268.105, subd. 7(d)(5). Substantial evidence means “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Minnesota Ctr. for Env'tl. Advocacy v. Minnesota Pollution Control Agency*, 644 N.W.2d 457, 466 (Minn. 2002). In determining whether there is substantial evidence for a ULJ’s findings, the court of appeals views those findings “in the light most favorable to the decision.” *Skarhus*, 721 N.W.2d at 344.

The ULJ’s finding that Revilla quit is supported by the testimony of Mathews and Whipple. Although there was conflicting testimony, the applicable standard of review does not require the evidence to be uncontradicted. In *Ywswf*, the ULJ discredited the relator’s testimony and credited the testimony of a human resources officer based on circumstantial evidence, and this court affirmed, concluding that the ULJ’s decision was supported by substantial evidence. 726 N.W.2d at 531-32. In light of the credibility determinations, the ULJ’s findings are supported by substantial evidence.

Revilla raises two additional issues. First, he argues that the ULJ failed to “ensure that all relevant facts [were] clearly and fully developed,” as required by Minn. Stat. § 268.105 subd. 1(b). Specifically, he argues that the ULJ did not develop certain portions of the record relating to his misconduct. The ULJ made clear in his opinion, however, that there was no finding of misconduct and that Revilla’s disqualification rested solely on his having quit. Second, Revilla argues that the hearing was unfair because the ULJ was biased in favor of the employer. A hearing generally is considered fair and evenhanded if both parties are afforded an opportunity to give statements and

cross-examine witnesses. *Ywswf*, 726 N.W.2d at 529-30. The transcript shows that the ULJ allowed statements, questions, and objections from both parties throughout the hearing. We have reviewed the transcript of the hearing and have no concerns about the fairness and evenhandedness of the hearing.

Affirmed.