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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-1381**

Ben A. Colglazier,
Relator,

vs.

University of Minnesota,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed July 29, 2008
Affirmed
Collins, Judge***

Department of Employment and Economic Development
File No. 4696 07

Ben A. Colglazier, 3134 Kyle Avenue North, Golden Valley, MN 55422-3123 (pro se
relator)

University of Minnesota, C/O ADP-UCM / THE FRICK CO., P.O. Box 66744, St. Louis,
MO 63166-6744 (respondent)

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MN 55101-1351 (for respondent Department of Employment and Economic
Development)

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

Considered and decided by Stoneburner, Presiding Judge; Worke, Judge; and Collins, Judge.

UNPUBLISHED OPINION

COLLINS, Judge

Relator challenges the unemployment-law judge's determination that he was disqualified from receiving unemployment benefits because he quit without good reason caused by his employer. Relator argues that he had good reason to quit because his superiors interfered with his advancement and because his employer reneged on its promise to pay him a salary of \$80,000. We affirm.

DECISION

Relator Ben A. Colglazier argues that the unemployment-law judge (ULJ) erred when she determined that he is disqualified from receiving unemployment benefits. We disagree.

Although a person who quits his employment is generally disqualified from receiving unemployment benefits, a person is not disqualified if he "quit the employment because of a good reason caused by the employer." Minn. Stat. § 268.095, subd. 1(1) (2006).

Whether an employee quit his employment for a good reason caused by his employer is a question of law that we review de novo. *Peppi v. Phyllis Wheatley Cmty. Ctr.*, 614 N.W.2d 750, 752 (Minn. App. 2000). But when there is a challenge to the factual findings upon which the legal conclusion is based, we determine whether the findings are supported by substantial evidence and defer to any credibility determinations

supporting the findings. Minn. Stat. § 268.105, subd. 7(d)(5) (2006); *Skarhus v. Davanni's Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006).

A good reason for quitting caused by the employer 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) (2006).

In this appeal, Colglazier contends that he qualifies for unemployment benefits for two reasons. He argues, first, that he had good reason to quit because his superiors interfered with his advancement within the University. But by his own admissions, substantial evidence in the record shows that the University denied Colglazier the two positions for which he applied for legitimate reasons, not because of his superiors’ wrongful interference. In his testimony before the ULJ, Colglazier acknowledged that he was not qualified for one of the positions because he did not have a bachelor’s degree, and that he was denied the other position because “[t]here was another candidate that they got cheaper.” He argues, second, that he had good reason to quit because the University reneged on its promise to pay him a salary of \$80,000. The ULJ, however, properly considered the evidence that Colglazier offered on this issue, which consisted of an e-mail Colglazier sent to his manager stating that he would accept the transfer to a new position if he was granted an immediate annual salary increase to \$80,000.

The ULJ’s finding that the evidence did not support Colglazier’s assertions that the “University reneged on promises it made to him regarding salary and promotional

opportunities” impugns Colglazier’s credibility and relies on other substantial evidence in the record. We defer to the ULJ’s credibility determinations and will not reweigh evidence on appeal. *See Skarhus*, 721 N.W.2d at 344 (noting that courts give “deference to credibility determinations made by the ULJ”).

The evidence supports the ULJ’s findings that Colglazier quit his job at the University of Minnesota because of his job dissatisfaction, his irreconcilable differences with his manager, and his concern that he might be discharged in the future. In particular, Colglazier’s own testimony revealed that he quit because (a) he was transferred to a position in a new location and it was more difficult for him to commute to work, (b) he believed his manager’s expectations were unreasonable and he was not properly trained for his job, and (c) he was concerned he would lose his job. Generally, job dissatisfaction, conflicts with supervisors, and concern that one may be discharged in the future do not constitute good reasons for quitting. *See* Minn. Stat. § 268.095, subd. 3(e) (2006) (“Notification of discharge in the future, including a layoff due to lack of work, shall not be considered a good reason caused by the employer for quitting.”); *Portz v. Pipestone Skelgas*, 397 N.W.2d 12, 14 (Minn. App. 1986) (stating that “irreconcilable differences with others at work” and dissatisfaction or frustration with working conditions do not constitute good reasons for quitting); *Bongiovanni v. Vanlor Invs.*, 370 N.W.2d 697, 699 (Minn. App. 1985) (holding that employee did not have good reason to quit when employer would not talk to her, greatly reduced her work duties, and made “it clear that he wanted to get rid of [her]”). Furthermore, when an employee’s dissatisfaction stems from difficulty securing transportation to and from work, the

dissatisfaction is generally not attributable to the employer. *See Hill v. Contract Beverages, Inc.*, 307 Minn. 356, 358, 240 N.W.2d 314, 316 (1976) (“In the absence of contract or custom imposing an obligation of transportation upon the employer, transportation is usually considered the problem of the employee.”). Moreover, Colglazier acknowledged that his problems at work were likely related to his clinical depression and that, as an alternative to quitting, he could have taken leave under the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-54 (2000).

Under these circumstances, an average, reasonable worker would not have been compelled to quit rather than continue his employment. The ULJ therefore correctly concluded that Colglazier did not quit for a good reason caused by his employer and was disqualified from receiving unemployment benefits.

Affirmed.