

APPELLATE COURT CASE NUMBER –A08-2057
STATE OF MINNESOTA
IN COURT OF APPEALS



CASE TITLE: RE:

STEVEN M HANSON vs CRESTLINER INC.

And DEPARTMENT OF EMPLOYMENT AND ECONOMIC
DEVELOPMENT

RESPONDENTS:

CRESTLINER INC
And DEPARTMENT OF EMPLOYMENT AND ECONOMIC
DEVELOPMENT.

REALATOR:

STEVEN M HANSON

APPELLANTS BRIEF AND APPENDIX

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Statement of facts
Argument

I as the Realtor state the following facts:

I started employment with Crestliner boats on May 14 2007 and was terminated on August 26th 2008.

When my mother fell ill on the 14th of august 2008 I called in and told my supervisor I needed to find assisted living for my mother and had previously explained to my supervisor that I have 3 brothers and a sister who were all in prison for drug related offenses and I was the only sibling who could make these decisions and my father is diseased.

I had tried to hire a nurse to assist my mother with her day to day care and found that this was expensive.

I found out that Medicare would pay for assisted living. These kinds of decisions are heart wrenching and take time to make.

On august 18 2008 I called in and said I didn't know what I was going to do and, I still had not made a decision but had to take another day off to research my options and to do pages of paperwork to get the process moving along.

On August 19, 2008, I called Crestliner and asked for a leave of absence and to continue my search for an assisted living arrangement for my mother. Ms Lynda Everson is the human resource manager for Crestliner and Lyle Lalin is my immediate supervisor.

On August 20, 2008, I went to Crestliner to pursue a leave of absence to nail down the details of how I am going to find care for my mother. Lyle Lalin and I took a conference room in the front office to discuss a leave of absence, so I thought. That option was mostly ignored. Apparently he had discussed this with Ms Everson and they had decided that I was to be suspended for 3 days.

I don't believe I was told specifically why I was being suspended. Lyle asked me how many days I needed and I thought the 3 days off with no pay was enough to take care of things.

He did not ever offer or tell me what other options I had, and neither did Ms Everson. I was told to call Lyle if anything changed. On the printed transcript she states that all my options were posted on the bulletin board by the time clocks or in my employee handbook.

On August 26, 2008, I was informed by paramedics in a phone call at 2am in the morning that my mother was being taken to the hospital in Coon Rapids. It should be noted that I lived in Little Falls, which is 90 miles from Coon Rapids.

At 2:15am, I drove to Mercy Hospital to be with my mother. She was scheduled for surgery at 7am that morning and she passed away on the same day that I was to return to work. I know the transcript says the 29th of August but the truth is it was the 26th of August at 4:37pm.

The funeral was delayed for months because of arrangements with the Department of Corrections.

I did call Ms Everson and left a message that I needed access to my 401k money.

I eventually talked to her that day and she said I was terminated for absences.

She never asked why I wasn't at work and because she told me I was terminated, I did not tell her my mother had passed away. It was already I do not believe Crestliner should have terminated me for misconduct when they knew full well what the circumstances were.

She said that the termination process takes a day or so to access my 401k money and I had to be officially terminated to gain access to my money.

I don't think a reasonable person would have taken the time to look up these options, especially since my immediate supervisor had said nothing about any of those options in our meeting.

My problems with my mother's health had been going on for almost 2 weeks and no one suggested filling out paperwork for any kind of leave. I do not believe Crestliner should have terminated me for misconduct when they knew full well what the circumstances were.

ARGUMENT:

My position is that Crestliner knew I was in a real heart wrenching position,

I did everything to keep them informed on what I was doing. I had never had a no call no show before and I believe they did not act in good faith.

I feel that Crestliner should have given me the benefit of the doubt because I feel I was a good employee.

The ULJ judge did not ever consider all the facts in the case and in my opinion was on my employers side from the beginning .

The ULJ never informed me that I could sobena a witness to testify because I believe my witness was worried about retaliation because he was, and still is an employee of Crestliner inc.

If I was asked to stay overtime after my 10 hours work shift I would volunteer. I would help out in other parts of my department without being asked.

I would volunteer for a Saturday if asked.

I do not feel that this was misconduct because: I did call in on the 26th of august and was never asked why I wasn't there that day, I was just told I was terminated .

So in closing misconduct is defined as: Minn 268.095, subd 4(1) (2006)

Any intentional, negligent , or indifferent conduct, on the job or off the job (1) that displays clearly a serious violation of the standards of behavior the employer has the right to reasonably expect of the employee, or (2) that displays clearly a substantial lack of concern for employment.

Inefficiency, inadvertence, simple unsatisfactory conduct, a single incident that does not have a significant adverse impact on the employer,.... Or absence because of illness or injury with proper notice to the employer, are not employment misconduct.

The appendix to this brief is not available for online viewing as specified in the *Minnesota Rules of Public Access to the Records of the Judicial Branch*, Rule 8, Subd. 2(e)(2).