

INFORMAL BREIF

CITATION : Minnesota Statute 268.095, subdivision 1 (3) provide in part that an applicant who quits employment shall not be disqualified from unemployment benefits if "

(3) the applicant quit within 30 calander days of beginning the employment because the employment was unsuitable for the applicant .

Minnesota Statute 268.035, subdivision 23a defines "suitable employment " as "employment in the applicant's labor market area that is reasonably related to the applicant's qualifications . In determining whether any employment is suitable for an applicant, the degree of risk involved to the health and safety , physical fitness , prior training , experience , length of unemployment , prospects for secureing local employment in the applicant's customary occupation , and the distance of the employment fromthe applicants residents shall be considered .

I beleive the ULJs decision is not write because I was not able to participate in the hearing and he was unable to hear what I have to say The reason I was unable to participate in the original hearing was there was a sudden change that happened in my visitation with my daughter . I was notified the evening of Aug 18 th that I needed to return my daughter on the 19th . Another words I had to return my daughter the date of the original appeal. I did not even give thought to the appeal till we were ready to leave the house . I quickly wrote down the appeals court telephone # (wich now I wonder if I wrote it wrong.) and I tried to call it several times but was never able to get through . It is not like I just blew off the original appeal

I would also like to say that the originall judge says it is not uncommon for construction workers to work long distances away from home . Is very wrong in saying that, it is a very small percentage of construction workers that work a much greater distance than perhaps 60 - 70 miles or more from their homes . The circumstances involved from the summer of 2004 -2005 had greatly changed in my home life , Wich in turn made employment with cm unsuitable for me . Even from the time they originally called me to rehire me to the start date things had changed considerably .

I would also like to address " the degree of risk invovled to the health and safety , " In the summer of 2004 CM Construction Co Inc had me and a couple of employees doing demo work . I was never informed of there being any asbestos in the area we were working in and removed asbestos insulation without knowing of it until the abatement crew came in and started setting up . wich is something I will be takeing up with CM Construction Co Inc in the future .

Now I would like to explain what took place in 2005 that made work unsuitable for me with CM Construction Co Inc . I would like to start at the beginning , March 18 2005 my home caught fire and burned to the ground . I had no insurance . (I lost basically everything I had owned in a matter of minutes . It is a terrible thing and would not wish it on any one .) I took what money I did have saved and went to an auction and bought as much construction materials as I could afford to start rebuilding this was around april 20th . Shortly after CM called and asked if I would return to work for them , I said yes thinking the money certainly would help , but not giving thought to the time that I would need to rebuild so that I could have a home again . Seeing as I had spent what money I did have on materials wich wasnt a whole lot. I would have to do all the labor of construction myself .

About a week before I was to return to work for CM my neighbors cleaned their lot up and filed a complaint with Cass county Enviromental services .A few days before I left to return to work for CM one of Cass County's enviromental services employees stops bye and tells me I have to get rid of some of the vehicules and the fire ash has to be removed from the property . Other wise I would be written up for a citation and I would not be able to get a building permit .

I still tried to go to work for CM even with all this hanging over my head . Then I soon realized that the job was not going to work out with all I had to do at home . I personally would have to say with the distance and time away from home that Cm Const Co Inc job had become unsuitable for me . So I quit and returned home to clean up the fire ash and start rebuilding . I also kept looking for work and continue to do so . The 1st part of July I returned to work for Veit , but have been laid off since then due to the lack of work .