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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-0507**

Trina L. Quest,
Relator,

vs.

R S R Enterprises Ltd.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed May 13, 2008
Affirmed
Peterson, Judge**

Department of Employment and Economic Development
File No. 16857 06

Trina L. Quest, 2811 Seventh Avenue North, Apt. 2C, Anoka, MN 55303 (pro se relator)

R S R Enterprises Ltd., 8445 Sunset Road Northeast, Spring Lake Park, MN 55432
(respondent R S R Enterprises)

Lee B. Nelson, Katrina I. Gulstad, Department of Employment and Economic
Development, 332 Minnesota Street, Suite E200, St. Paul, MN 55101-1351 (for
respondent Department of Employment and Economic Development)

Considered and decided by Stoneburner, Presiding Judge; Lansing, Judge; and
Peterson, Judge.

UNPUBLISHED OPINION

PETERSON, Judge

This certiorari appeal is from a decision that relator is disqualified from receiving unemployment benefits because she was discharged for employment misconduct. Because relator has not identified any alleged error and no prejudicial error is obvious on mere inspection of the record, we affirm.

FACTS

Relator Trina L. Quest was employed by respondent R S R Enterprises Ltd. as a warehouse worker from January 10, 2006, until October 23, 2006. Quest's scheduled work hours were Monday through Thursday from 7:20 a.m. until 2:00 p.m., with some flexibility to accommodate her transportation needs.

In August, Quest was scheduled to work 27 hours a week, but there was not a single week during which she worked that many scheduled hours. During the week of August 14, she worked only 19 hours. She did not come to work at all on August 15 or August 21. Out of four weeks in September, there was only one week when Quest worked her full number of scheduled hours. She missed the whole day on September 25, saying that she had to put her sister's children on the school bus.

Before October 9, 2006, RSR president Ronald Langer repeatedly spoke to Quest about her attendance and explained the importance of her being at work. Langer told her that if her attendance did not improve, he would have to hire someone else.

Quest notified Langer that she would not be at work on October 9, which was Columbus Day, because she had to appear in court in response to an eviction notice.

Langer mistakenly believed that court was not held on Columbus Day, so he sent Quest a text message stating that she was discharged. Later that day, Langer agreed to withdraw the termination, but he warned Quest that her attendance had to improve.

On October 23, 2006, Quest sent Langer a text message stating that she would not be at work due to the death of a family member. The person who died was Quest's sister's ex-husband, who died in Florida. Quest spent the day giving moral support to her sister and her sister's daughter. When Langer received the message that Quest would not be at work on October 23, he terminated her employment.

Quest filed a claim for unemployment benefits with respondent Department of Employment and Economic Development. A department adjudicator determined that Quest was discharged for employment misconduct, and, therefore, she was disqualified from receiving unemployment benefits. Quest appealed to an unemployment law judge (ULJ). Following an evidentiary hearing, the ULJ determined that Quest was discharged for employment misconduct and affirmed the determination of disqualification. Quest filed a request for reconsideration. The ULJ affirmed the decision, and this pro se certiorari appeal followed.

DECISION

This court may affirm the ULJ's decision, remand it for further proceedings, or reverse or modify it if the relator's substantial rights "may have been prejudiced because the findings, inferences, conclusion or decision are . . . affected by . . . error of law," "unsupported by substantial evidence in view of the entire record as submitted," or "arbitrary or capricious." Minn. Stat. § 268.105, subd. 7(d) (2006). This court defers to

the ULJ's conclusions regarding conflicts in testimony and the inferences to be drawn from testimony. *Ywswf v. Teleplan Wireless Servs., Inc.*, 726 N.W.2d 525, 529 (Minn. App. 2007).

On appeal, Quest submitted copies of several pages of the transcript of the hearing before the ULJ with part of the testimony on each page underlined. Quest contends that Langer did not testify truthfully about her job and her termination. Quest states that the attached pages with the underlined testimony will show what she is talking about, and she does not make any further argument about why the ULJ's determination that she was discharged for employment misconduct is erroneous.

“An assignment of error based on mere assertion and not supported by any argument or authorities in appellant's brief is waived and will not be considered on appeal unless prejudicial error is obvious on mere inspection.” *Schoepke v. Alexander Smith & Sons Carpet Co.*, 290 Minn. 518, 519-20, 187 N.W.2d 133, 135 (1971). Prejudicial error is not obvious on mere inspection of the transcript pages that Quest submitted. Quest contends that Langer was not truthful, and the transcript pages include some of Langer's testimony, but it is not obvious why we should conclude that Langer's testimony was not truthful. “Credibility determinations are 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).

“Pro se litigants are generally held to the same standards as attorneys.” *Heinsch v. Lot 27, Block 1 For's Beach*, 399 N.W.2d 107, 109 (Minn. App. 1987). But absent prejudice to the opposing party, this court will allow a “reasonable accommodation” to a

pro se litigant. *Kasson State Bank v. Haugen*, 410 N.W.2d 392, 395 (Minn. App. 1987). However, it is not a “reasonable accommodation” for us to speculate about what a litigant considers to be an error when no specific error is alleged. Because Quest has not described any error or made any argument or cited any authority that supports a claim that the ULJ erred, she has failed to show that her substantial rights were prejudiced. Therefore, Quest is not entitled to reversal of the ULJ’s decision. *See Ywswf*, 726 N.W.2d at 530 (concluding that relator was not entitled to reversal when she failed to show prejudice to substantial rights).

Affirmed.