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Minn. Stat. § 480A.08, subd. 3 (2008).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A08-0542**

Angela Hahn,  
Relator,

vs.

Adecco USA Inc.,  
Respondent,

Department of Employment  
and Economic Development,  
Respondent

**Filed January 20, 2009  
Affirmed  
Klaphake, Judge**

Department of Employment and Economic Development  
File No. 275926-3

Angela Hahn, 1007 Juniper Court, Shakopee, MN 55379 (pro se relator)

Adecco USA Inc., 255 1st Avenue E., Shakopee, MN 55379 (respondent)

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Economic Development)

Considered and decided by Worke, Presiding Judge; Lansing, Judge; and  
Klaphake, Judge.

## UNPUBLISHED OPINION

**KLAPHAKE**, Judge

Adecco USA, Inc. (Adecco) is a business that provides supplemental staff to other businesses. In the summer of 2007, relator Angela Hahn was terminated from her light assembly job assignment in Shakopee for performance issues. Adecco offered relator another assignment in Eden Prairie at a higher hourly wage, but relator rejected this offer and left her employment with Adecco. She then sought unemployment compensation, claiming that she lacked transportation to get to the new job assignment offered by Adecco. Relator challenges the unemployment law judge's (ULJ) determination that she voluntarily quit her employment. Because the record supports the ULJ's decision, we affirm.

### DECISION

In reviewing a ULJ decision in an unemployment benefits matter, this court may reverse or modify the decision if it prejudiced the substantial rights of the petitioner because the decision is affected by error of law, unsupported by substantial evidence, or arbitrary and capricious. Minn. Stat. § 268.105, subd. 7(d) (Supp. 2007). We view the ULJ's findings in the light most favorable to the decision and will not disturb findings that are substantially supported by the record. *Skarhus v. Davanni's, Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006). This court also defers to the ULJ's credibility determinations and evaluation of conflicting evidence. *Nichols v. Reliant Eng'g & Mfg., Inc.*, 720 N.W.2d 590, 594 (Minn. App. 2006).

Here, the essential question is whether relator voluntarily quit her employment. This is a question of fact. *Shanahan v. Dist. Mem'l Hosp.*, 495 N.W.2d 894, 896 (Minn. App. 1993). Whether an employee quit without good reason caused by the employer is a legal question subject to de novo review. *Nichols*, 720 N.W.2d at 594. “An employee who quits because of good reason caused by the employer” may be eligible to receive unemployment benefits. Minn. Stat. § 268.095, subd. 1(1) (Supp. 2007). “A good reason caused by the employer” is defined as a reason “directly related to the employment and for which the employer is responsible; . . . adverse to the worker; and . . . [one that] would compel an average, reasonable worker to quit.” Minn. Stat. § 268.095, subd. 3(a) (Supp. 2007).

Relator claims that she left her employment at Adecco only because she was unable to arrange for transportation to work and that this action does not constitute a job quit and should not preclude her from receiving benefits. Historically, it has been the employee’s responsibility to provide transportation to work—“[i]n the absence of contract or custom imposing an obligation of transportation upon the employer, transportation is usually considered the problem of the employee.” *Hill v. Contract Beverages, Inc.*, 307 Minn. 356, 358, 240 N.W.2d 314, 316 (1976). For this reason, an employee who fails to report to work based on the loss of transportation alone is generally not entitled to receive benefits. *Id.* (holding that employee who lost transportation to existing job constructively quit employment and was not entitled to receive unemployment benefits).

This court recently reiterated that *Hill* is good law in cases, such as this one, where the issue is whether the employee quit because of lack of transportation. *Work Connection, Inc. v. Bui*, 749 N.W.2d 63, 67-68 (Minn. App. 2008), *review granted* (Minn. June 18, 2008). But *Work Connection* also distinguished between three statutory bases for awarding unemployment benefits—being available for employment, having good cause to decline employment, and quitting employment—in rejecting an employer’s argument that an employee was not available for work after the employer moved the employee’s job site and he was unable to get to work because he relied on public transportation to get to work. *Id.* at 67-68 n.2. To some extent, *Work Connection* can be read to indicate an emerging trend in the law to give greater consideration to an employee’s inability to get to work because of lack of transportation.

The facts of this case as found by the ULJ, however, differ from those in *Work Connection* and provide substantial evidence that relator effectively quit her employment in this case. After she was terminated from her Shakopee assignment for performance issues, Adecco offered relator an Eden Prairie job assignment that was a five- to ten-minute drive further from her residence than the Shakopee assignment. The new job included an hourly raise of \$4.21. While relator admitted that she held a valid driver’s license, she claimed that she was unable to obtain transportation to Eden Prairie because her elderly relative who had previously provided her transportation was unable to drive out of Shakopee. On these facts, appellant had other options than to rely solely on her relative for transportation. Thus, while relator may have had a valid personal reason for

rejecting the work assignment offered by Adecco, that reason was legally insufficient to entitle her to receive employment benefits.

Finally, in her request for reconsideration and in her submissions to this court, relator argues that the new job assignment was actually located in Minnetonka rather than Eden Prairie. The ULJ found that even if this fact were true, it would not change the outcome. There is substantial evidence to support this finding.

**Affirmed.**