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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A08-1808**

Victoria J. Poole,
Relator,

vs.

Children's Home Society,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed June 16, 2009
Affirmed
Johnson, Judge**

Department of Employment and Economic Development
File No. 20984794-3

Victoria J. Poole, 2729 Campbell Street, Apt. 208, Kansas City, MO 64109 (pro se relator)

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Considered and decided by Connolly, Presiding Judge; Peterson, Judge; and Johnson, Judge.

UNPUBLISHED OPINION

JOHNSON, Judge

An unemployment law judge (ULJ) determined that Victoria J. Poole is ineligible for unemployment benefits because she quit her job at the Children's Home Society (CHS) without a good reason caused by the employer. We conclude that substantial evidence supports the ULJ's findings and, therefore, affirm.

FACTS

Poole worked for CHS as a child-care aide at one of its child-care centers from September 2004 to March 2008. During her employment at CHS, she twice sustained injuries while on the job. In August 2006, she tripped over a cot and injured her leg. In July 2007, she injured her arm while reaching for a child. Poole continued working at CHS after both incidents. Her doctor imposed a temporary lifting restriction after the arm injury, but Poole was able to fully perform her duties at the end of her employment. Poole never informed her supervisor of any dangerous conditions at the workplace during her employment at CHS, and the record reflects that CHS met all applicable safety requirements at the location where Poole worked.

On March 7, 2008, Poole informed CHS by letter that she was resigning her position effective March 21, 2008. In her letter, she thanked her supervisor and coworkers for "the wonderful opportunity" to work at CHS and the "memorable" relationships she established during her employment. Poole told her supervisor that she was resigning because she was moving to Georgia.

Consistent with her notice of resignation, Poole's last day at CHS was March 21, 2008. She moved to Atlanta, Georgia, in April 2008. In early June 2008, she moved to Kansas City, Missouri. Later that month, she filed a claim for unemployment benefits with the Minnesota Department of Employment and Economic Development, alleging that she quit her employment at CHS because her work environment was unsafe.

In July 2008, the department determined that Poole was ineligible for unemployment benefits because she quit her job without a good reason caused by her employer. Upon Poole's internal agency appeal of that determination, a ULJ conducted a telephonic hearing in which Poole and two employees of CHS gave oral testimony. Later that month, the ULJ issued a decision again ruling Poole was ineligible on the ground that Poole had quit employment for personal reasons and had not established a good reason for her quit. After Poole requested reconsideration, the ULJ affirmed the decision in September 2008. Poole appeals by way of a writ of certiorari.

D E C I S I O N

Poole argues that the ULJ erred by finding that she quit her job without a good reason caused by the employer. More specifically, Poole argues that she quit because her work environment was unsafe. This court reviews a ULJ's decision denying benefits to determine whether the findings, inferences, conclusions of law, or decision are affected by an error of law or are unsupported by substantial evidence in view of the entire record. Minn. Stat. § 268.105, subd. 7(d) (Supp. 2007). The ULJ's factual findings are viewed in the light most favorable to the decision being reviewed. *Skarhus v. Davanni's Inc.*, 721

N.W.2d 340, 344 (Minn. App. 2006). The ultimate determination whether an employee was properly found to be ineligible for unemployment benefits is a question of law, which is reviewed *de novo*. *Id.*

Employees who quit employment are ineligible for unemployment benefits except in certain circumstances. Minn. Stat. § 268.095, subd. 1 (Supp. 2007). A “quit” has occurred when “the decision to end the employment was, at the time the employment ended, the employee’s.” *Id.*, subd. 2(a) (Supp. 2007). Whether an employee quit a job is a question of fact for the factfinder. *Hayes v. K-Mart Corp.*, 665 N.W.2d 550, 552 (Minn. App. 2003), *review denied* (Minn. Sept. 24, 2003). Here, the ULJ found that Poole quit her job at CHS. Poole testified, “I did quit.” Thus, the ULJ’s finding of a quit is supported by the evidence in the agency record.

An applicant who has quit employment is not ineligible for unemployment benefits, however, if the applicant quit “because of a good reason caused by the employer.” Minn. Stat. § 268.095, subd. 1(1) (Supp. 2007). A “good reason” 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.” *Id.*, subd. 3(a) (Supp. 2007). Adverse working conditions may be considered a good reason to quit only if the applicant “complain[ed] to the employer and [gave] the employer a reasonable opportunity to correct the adverse working conditions.” *Id.*, subd. 3(c) (Supp.

2007); *see also Nichols v. Reliant Eng'g & Mfg., Inc.*, 720 N.W.2d 590, 595 (Minn. App. 2006).

Poole contends that she had a good reason to quit because she “had to make a decision to stay and continually receive more [injuries] or leave for the purpose of finding better employment in a more safe environment.” The ULJ cited three grounds for finding that Poole had failed to show that she quit for a good reason caused by the employer. First, the ULJ found that Poole quit for “personal reasons” rather than an unsafe workplace. Second, the ULJ found that Poole was not subject to unsafe working conditions because CHS “met all city and state safety regulations for its facility.” Third, the ULJ found that Poole “did not complain about unsafe working conditions to [CHS], as required by the statute, before quitting employment.”

The record supports each of these findings. First, Poole’s resignation notice makes no mention of safety concerns. Rather, she told her supervisor that she was resigning because she was moving to Georgia, and the record reflects that Poole did move to Georgia within weeks of her last day at CHS. Second, the testimony of a CHS employee supports the ULJ’s finding that the facility in which Poole worked complied with applicable safety standards. Third and finally, Poole admitted at the hearing that she did not report unsafe conditions to anyone at CHS before quitting. Poole has not made any argument as to why these reasons do not support the ULJ’s findings.

In sum, substantial evidence supports the ULJ's determination that Poole did not quit her job for a good reason caused by CHS and, therefore, she is ineligible for unemployment benefits.

Affirmed.