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**STATE OF MINNESOTA
IN COURT OF APPEALS
A09-1241**

Jason Amos,
Relator,

vs.

Weinhagen Tire & Auto Service,
Respondent,

Department of Employment and Economic Development,
Respondent

**Filed April 27, 2010
Affirmed
Wright, Judge**

Minnesota Department of Employment and Economic Development
File No. 22181705-3

Jason Amos, Moundsview, Minnesota (pro se relator)

Weinhagen Tire & Auto Service, St. Paul, Minnesota (respondent)

Lee B. Nelson, Britt K. Lindsay-Waterman, Minnesota Department of Employment and
Economic Development, St. Paul, Minnesota (for respondent department)

Considered and decided by Larkin, Presiding Judge; Wright, Judge; and Worke,
Judge.

UNPUBLISHED OPINION

WRIGHT, Judge

Relator challenges the determination by an unemployment law judge (ULJ) that he is ineligible to receive unemployment benefits because he quit his employment without a good reason caused by his employer. We affirm.

FACTS

Relator Jason Amos began working full time as a general serviceperson for Weinhagen Tire & Auto Service in February 2007. Amos's immediate supervisor throughout his employment was Benjamin Weinhagen, the owner's son. Amos and Weinhagen did not get along, and Amos felt that Weinhagen treated him in a demeaning manner. During the course of his employment, Amos complained to the owner about some of Weinhagen's actions. Amos quit his employment effective March 6, 2009, explaining that he could no longer work with Weinhagen.

Amos subsequently applied for unemployment benefits. An adjudicator from the Minnesota Department of Employment and Economic Development determined that Amos quit his employment without good cause and, therefore, is ineligible to receive unemployment benefits. Amos appealed that determination. Following a hearing, a ULJ concluded that Amos had not quit his employment because of a good reason attributable to his employer. On that basis, the ULJ concluded that Amos is ineligible to receive unemployment benefits. Amos requested reconsideration, and the ULJ affirmed. This certiorari appeal followed.

DECISION

We review a ULJ's decision to determine whether the findings, inferences, conclusion, or decision are "(1) in violation of constitutional provisions; (2) in excess of the statutory authority or jurisdiction of the department; (3) made upon unlawful procedure; (4) affected by other error of law; (5) unsupported by substantial evidence in view of the entire record as submitted; or (6) arbitrary or capricious." Minn. Stat. § 268.105, subd. 7(d) (2008). In doing so, we consider whether, when the factual findings are viewed in the light most favorable to the decision, there is substantial support for them in the record. *Skarhus v. Davanni's Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006). Because credibility determinations are the exclusive province of the ULJ, we accord such determinations deference on appeal. *Id.*

A person who quits employment generally is ineligible to receive unemployment benefits. Minn. Stat. § 268.095, subd. 1 (2008). An exception to this general rule exists when an employee quits because of "a good reason caused by the employer." *Id.*, subd. 1(1). A good reason for quitting caused by the employer is a reason that "is directly related to the employment and for which the employer is responsible," "is adverse to the worker," and "would compel an average, reasonable worker to quit and become unemployed rather than remain[] in the employment." *Id.*, subd. 3(a) (2008). Whether a benefits applicant quit for a good reason caused by the employer is a legal conclusion, which we review de novo, "but the conclusion must be based on findings that have the requisite evidentiary support." *Nichols v. Reliant Eng'g & Mfg.*, 720 N.W.2d 590, 594 (Minn. 2006).

At the hearing, Amos described ten incidents of conflict with Weinhagen during the course of his employment. Amos also testified that the tenth incident, in which Weinhagen told Amos to “sit” and “stay,” treating Amos like a dog, was the “last straw.” But the ULJ found that the incidents that occurred prior to Amos’s decision to quit failed to establish a good reason to quit attributable to the employer.

The ULJ rejected eight of the incidents Amos described solely based on Amos’s testimony. The ULJ rejected some incidents after Amos acknowledged that they were within Weinhagen’s authority as a supervisor, such as telling Amos that he was to do as Weinhagen instructed or declining to admit Amos to the building before Amos’s start time. The ULJ rejected other incidents as insufficient to meet the legal standard for a good reason to quit because they merely represented a personality conflict between the two men. *See Trego v. Hennepin County Family Day Care Assoc.*, 409 N.W.2d 23, 26 (Minn. App. 1987) (stating that personality conflicts and dissatisfaction with others at work do not constitute good reason to quit attributable to employer). Amos described incidents in which Weinhagen told Amos that Amos was not as good at his job as he thought he was, yelled and cursed at Amos for clocking in early after a lunch break, yelled and cursed at Amos for mistakenly driving a customer’s car without oil in it, and teased Amos or suggested that Amos would not advance beyond his position as a general serviceperson. Given the nature and timing of these incidents, the evidence substantially supports the ULJ’s finding that Weinhagen “may have been combative, terse, and even sometimes profane, but the evidence does not establish a degree of tension that is out of the ordinary in a great number of workplaces.”

The ULJ also rejected Amos's contention that Weinhagen's direction to "sit" and "stay" was Amos's ultimate motivation to quit. Although the ULJ credited Amos's testimony that the incident occurred, the ULJ credited Weinhagen's testimony that the incident did not occur until after Amos had given notice that he was quitting. *See Skarhus*, 721 N.W.2d at 344 (stating that we defer to credibility determinations). Because the timing of this incident precluded it from motivating Amos's decision to quit, the ULJ properly determined that this evidence was insufficient to establish that Amos quit his employment because of a good reason caused by his employer.

Accordingly, the ULJ did not err by concluding that Amos is ineligible to receive unemployment benefits because he quit his employment without a good reason caused by his employer.

Affirmed.