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

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A09-2026**

Christopher Gilbert,  
Relator,

vs.

Integra Telecom Holdings Inc.,  
Respondent,

Department of Employment and Economic Development,  
Respondent.

**Filed August 24, 2010  
Affirmed  
Bjorkman, Judge**

Department of Employment and Economic Development  
File No. 22854127-4

Christopher Gilbert, Vancouver, Washington (pro se relator)

Integra Telecom Holdings Inc., Portland, Oregon (respondent)

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

Considered and decided by Kalitowski, Presiding Judge; Worke, Judge; and  
Bjorkman, Judge.

## UNPUBLISHED OPINION

**BJORKMAN**, Judge

Relator Christopher Gilbert challenges the unemployment-law judge's (ULJ) determination that relator is not eligible to receive unemployment benefits. Because the ULJ did not err in concluding that changes in relator's reporting structure were not a good reason to quit caused by his employer and because the ULJ conducted a fair hearing, we affirm.

### FACTS

Gilbert worked as the director of network cost management for Integra from July 29, 1999, through June 4, 2009. In August 2008, Gilbert relocated to Portland, Oregon as part of Integra's restructuring. Gilbert initially believed that he would report directly to Integra's chief operating officer (COO). But in September, Gilbert learned that Integra would be using a "dotted-line reporting structure" that required him to report to three separate people: the COO, the director of project management, and the vice president of accounting and reporting. Gilbert chafed under this reporting structure. He encountered numerous problems with the director of project management and complained to the COO that the director did not have sufficient education and experience.

In June 2009, the director of project management told Gilbert that another member of his team was being promoted. Gilbert felt that the person did not have sufficient experience to receive the promotion, and that the promotion would disrupt his team by creating the appearance of favoritism. Gilbert complained to Integra's human-resources

department and to both the COO and the director of project management but was told that the promotion would go through despite his reservations.

On June 3, Gilbert scheduled a meeting with the COO to discuss his concerns about the promotion and the reporting structure. The next day, the COO sent Gilbert an e-mail stating that “[t]his position reports directly and completely to [the director of project management]” and “as your direct manager, [she] has the authority to define essential job functions in order to fulfill the expectations that I have placed on her in her position.” Gilbert replied to the e-mail that he intended to resign effective in 30 minutes. He stated that he was quitting to “pursue a career path where [his] knowledge and experience are more closely aligned with [his] reporting structure.”

Gilbert applied for unemployment benefits, and respondent Minnesota Department of Employment and Economic Development (DEED) determined that he was ineligible. Gilbert appealed the decision and a ULJ conducted a telephonic hearing involving Gilbert and representatives of Integra. The ULJ determined that Gilbert was ineligible for benefits because he quit his employment without a good reason caused by his employer. Gilbert requested reconsideration and submitted a 13-page written statement detailing situations in which he was not treated fairly and 8 pages of additional documentation. The ULJ denied Gilbert’s request for another evidentiary hearing, noting that the new documents would “not likely change the outcome of the decision.” This certiorari appeal follows.

## DECISION

This court reviews 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). This court will defer to the ULJ's decision not to hold an additional evidentiary hearing. *Ywsfw v. Teleplan Wireless Servs., Inc.*, 726 N.W.2d 525, 533 (Minn. App. 2007).

### **I. The ULJ conducted a fair hearing.**

"In deciding a request for reconsideration, the unemployment law judge must not, except for purposes of determining whether to order an additional evidentiary hearing, consider any evidence that was not submitted at the evidentiary hearing . . . ." Minn. Stat. § 268.105, subd. 2(c) (Supp. 2009). Materials that were not presented during the evidentiary hearing or considered by the ULJ are not within our scope of review. *Imprint Techs. Inc. v. Comm'r of Econ. Sec.*, 535 N.W.2d 372, 378 (Minn. App. 1995).

Gilbert argues that he did not receive a fair hearing because he was unable to present all the information he needed to prove his claim and the ULJ did not grant his request for an additional hearing. We disagree. Gilbert had notice of the hearing date

and time to assemble documents and prepare his testimony. He had the opportunity to, and did, participate in the hearing and question witnesses. The record demonstrates that the ULJ conducted a fair hearing and that Gilbert was able to fully present his evidence and arguments. Moreover, the ULJ expressly found that the documents Gilbert submitted with his reconsideration request would not have altered the outcome of the hearing. On this record, we discern no error or unfairness in denying Gilbert an additional evidentiary hearing.

## **II. The ineligibility determination was not in error.**

A person who quits employment generally is ineligible to receive unemployment benefits. Minn. Stat. § 268.095, subd. 1 (Supp. 2009). 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.” Minn. Stat. § 268.095, subd. 3(a) (2008). Whether an applicant quit for a good reason caused by the employer is a legal conclusion, which we review de novo. *Nichols v. Reliant Eng’g & Mfg. Inc.*, 720 N.W.2d 590, 594 (Minn. App. 2006).

It is undisputed that Gilbert quit his employment because of conflict with a supervisor and general dissatisfaction with his reporting structure. A personality conflict between an employee and supervisor is not good reason to quit caused by the employer. *Trego v. Hennepin County Family Day Care Ass’n*, 409 N.W.2d 23, 26 (Minn. App.

1987). Gilbert's stated desire to "pursue a career path where [his] knowledge and experience are more closely aligned with [his] reporting structure," may well be a good personal reason for him to leave Integra. But we conclude that Gilbert's concerns were not so significant that they "would compel an average, reasonable worker to quit and become unemployed rather than remain[] in the employment." Minn. Stat. § 268.095, subd. 3(a)(3). The ULJ did not err by determining that Gilbert is ineligible to receive unemployment benefits.

**Affirmed.**