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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A07-38**

Jami A. Awalt,
Relator,

vs.

Lindahl and Lindahl Partnership,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed March 25, 2008
Affirmed
Worke, Judge**

Department of Employment and Economic Security
File No. 13829 06

Jami A. Awalt, 10641 Greenbriar Road, Apt. 127, Minnetonka, MN 55305 (pro se relator)

Lindahl and Lindahl Partnership, P. O. Box 32, Wayzata, MN 55391 (respondent employer)

Lee B. Nelson, Katrina I. Gulstad, Department of Employment and Economic Development, E200 First National Bank Building, 332 Minnesota Street, St. Paul, MN 55101 (for respondent Department of Employment and Economic Security)

Considered and decided by Hudson, Presiding Judge; Worke, Judge; and Collins, Judge.*

UNPUBLISHED OPINION

WORKE, Judge

Relator challenges the decision by the unemployment-law judge that she quit her employment without good reason caused by her employer and was disqualified from receiving unemployment benefits, arguing that she had good reason to quit because her employer intentionally disregarded federal law requiring lead-based-paint disclosure and blamed her for something she did not do. We affirm.

DECISION

This court may affirm the decision of the unemployment-law judge (ULJ), remand the case for further proceedings, or reverse or modify the decision if

the substantial rights of the petitioner may have been prejudiced because 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.

* Retired judge of the district court, serving as judge of the Minnesota Court of Appeals by appointment pursuant to Minn. Const. art. VI, § 10.

Minn. Stat. § 268.105, subd. 7(d) (2006). We view the ULJ's findings in the light most favorable to the decision, and we will not disturb findings that are sufficiently supported by the record. *Skarhus v. Davanni's Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006).

The ULJ found that relator Jami A. Awalt quit her employment as a resident manager because she felt that respondent Lindahl and Lindahl Partnership disregarded federal law and blamed her for depositing a resident's rent check. "An applicant who quit employment shall be disqualified from all unemployment benefits" unless a statutory exception applies. Minn. Stat. § 268.095, subd. 1 (2006). Relator does not contest the finding that she quit her employment, but argues that an exception to disqualification applies. Relator contends that she quit because of a good reason caused by her employer. *See id.*, subd. 1(1). A good reason caused by the employer 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 (2006). "[T]here must be some compulsion produced by extraneous and necessitous circumstances." *Ferguson v. Dep't of Employment Servs.*, 311 Minn. 34, 44 n.5, 247 N.W.2d 895, 900 n.5 (1976). The reasonable-worker standard is objective and is applied to the average person rather than the super-sensitive. *Id.* "The determination that an employee quit without 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).

Relator contends that she quit because she informed Lindahl of the federal requirement for distribution of lead-based-paint pamphlets and she was “left with the distinct impression that [Lindahl] was not interested in complying with the requirements of disclosure.” As resident manager, relator asserted that she would be responsible for Lindahl’s failure to follow federal law. “Illegal conduct by an employer may constitute good cause for an employee to quit.” *Hawthorne v. Universal Studios, Inc.*, 432 N.W.2d 759, 762 (Minn. App. 1988). But the record supports the ULJ’s finding that relator quit before Lindahl made a decision regarding distribution of the lead-based-paint pamphlets. A maintenance employee testified that he told relator to discuss the lead-based-paint issue with the owners, but relator quit before a decision was made. Relator testified that she talked to the owners and was told that the material would be looked over. One owner testified that she was first told about the lead-based-paint issue the day before relator quit. Relator has not shown that Lindahl violated any federal regulation; therefore, she has failed to show that she quit because of a good reason caused by the employer.

Relator also claims to have quit her employment because she was blamed for depositing a postdated rent check. But a good reason to quit caused by the employer “does not encompass situations whe[n] an employee experiences irreconcilable differences with others at work or whe[n] the employee is simply frustrated or dissatisfied with his working conditions.” *Portz v. Pipestone Skelgas*, 397 N.W.2d 12, 14 (Minn. App. 1986). The record supports the ULJ’s finding that the resident was aware that his rent was due on the first of the month and that Lindahl was under no obligation to hold onto the check. One of the owners testified that the resident paid his July and

August rents late. In August, the resident signed a new lease, which was conditioned on him paying rent on the first of each month; he was also told that Lindahl would not hold any postdated checks. The resident dropped off his September rent check postdated September 15 and asked that the check be deposited on that date. One of the owners deposited the check on or about September 7 and wrote the resident a letter informing him that the new manager deposited the check on the date received. Relator testified that she was blamed for the check being deposited because of the reference to her, the manager, in the letter. Relator was upset because she was blamed for depositing the check, but under the appropriate reasonable-worker standard, this is not a good reason to quit caused by the employer; there was no compulsion “produced by extraneous and necessitous circumstances.” See *Ferguson*, 311 Minn. at 44 n.5, 247 N.W.2d at 900 n.5.

Affirmed.