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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A10-1010**

Christopher Reiman,
Relator,

vs.

R-Way Pumping, Inc.,
Respondent,

Department of Employment
and Economic Development,
Respondent.

**Filed February 15, 2011
Affirmed
Crippen, Judge***

Department of Employment and Economic Development
File No. 24447611-3

Christopher L. Reiman, Melrose, Minnesota (pro se relator)

R-Way Pumping, Inc., Freeport, Minnesota (respondent)

Lee B. Nelson, Department of Employment and Economic Development, St. Paul,
Minnesota (for respondent Department of Employment and Economic Development)

Considered and decided by Johnson, Chief Judge; Stauber, Judge; and Crippen,
Judge.

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

UNPUBLISHED OPINION

CRIPPEN, Judge

Relator Christopher Reiman challenges the conclusion that he did not quit because of a good reason caused by his employer and is therefore ineligible to receive unemployment benefits. Because substantial evidence in the record supports the decision, we affirm.

FACTS

Relator worked for respondent R-Way Pumping from June 2005 until he quit in December 2009.¹ When relator sought unemployment benefits, he stated on the “Unemployment Insurance Request for Information” that he had not told his employer why he quit, he did not give his employer any advance notice, and he quit because “[t]here was a lot of verbal abuse . . . coming from [R-Way’s owner].” Relator also gave as a reason for quitting that the owner expected employees to work more hours than permitted by Department of Transportation (DOT) regulations, and he said he had talked to the owner about this the previous August. R-Way’s owner submitted a statement that in early December relator had sought and been given permission to take a few weeks off to help on his family’s farm because his father was in the hospital; relator did not return to or contact R-Way until late January, when he said he was quitting.

The department found that relator was not eligible for benefits since he quit “because of a personality conflict with a supervisor or co-worker” that had no substantial

¹ It is undisputed that relator quit his job. After taking time off to help his father with farm work, relator called in and said he would not be back to work; he did not give a reason.

effect on relator and would not have caused an average employee to quit. Following a subsequent hearing, the unemployment law judge (ULJ) determined that relator did not have a good reason caused by his employer for quitting. The decision was reconsidered and affirmed.

D E C I S I O N

“Whether an employee had good cause to quit is a question of law, which we review de novo.” *Munro Holding, LLC v. Cook*, 695 N.W.2d 379, 384 (Minn. App. 2005).

At the telephone hearing, relator testified about circumstances that he alleged gave him good reason caused by his employer to quit. *See* Minn. Stat. § 268.095, subd. 3(a) (2010) (providing that good reason caused by employer must be directly related to the employment and be something for which the employer is directly responsible, be adverse to the employee, and be something that would compel an average, reasonable worker to quit and become unemployed).

Relator testified that R-Way’s owner was “always yelling and screaming” and, in particular, did so when relator complained that the owner had directed a friend of relator to deliver relator’s pickup truck to a job site rather than to the shop, where relator expected to find it. Also, relator claimed that, in November 2009, R-Way violated DOT regulations because relator was driving 20 hours a day. Finally, relator said that he worked on a state job and did not get the state wages to which he thought he was entitled; R-Way’s owner said he would “look into it” and did nothing.

The testimony of two R-Way employees whom relator asked to testify for him failed to support relator's position that a reasonable worker would have quit because of the allegedly adverse conditions at R-Way. One employee testified that "there's been some yelling"; that it disturbed him so he needed to complain "[o]nce in a great while"; and that some of the yelling had been because he, like relator, was late for work. The other R-Way employee agreed that "basically everyone yells and swears at some point that works over [at R-Way]" and testified that he never felt he was treated unfairly by R-Way's owner.

Moreover, an employee subjected to adverse working conditions by the employer "must complain to the employer and give the employer a reasonable opportunity to correct the adverse working conditions before that may be considered a good reason caused by the employer for quitting." Minn. Stat. § 268.095, subd. 3(c) (2010). Relator provides no indication that he ever complained about adverse working conditions or gave R-Way an opportunity to correct them. He testified that he complained to the owner about the yelling and screaming a "couple years ago" and had never complained about the alleged violation of DOT regulations or the failure to pay wages due. Thus, none of the conditions amounted to a good reason caused by R-Way for relator's decision to quit.

The ULJ correctly determined that relator is not eligible to receive unemployment benefits because he quit his job without a good reason caused by his employer.

Affirmed.