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**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A10-1466**

Janea Terry,  
Relator,

vs.

Farm Boy Fashions, Inc.,  
Respondent,

Department of Employment and Economic Development,  
Respondent.

**Filed April 26, 2011  
Affirmed  
Halbrooks, Judge**

Department of Employment and Economic Development  
File No. 25658939-3

Janea E. Terry, Sacramento, California (pro se relator)

Farm Boy Fashions, Inc., Maple Grove, Minnesota (respondent)

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

Considered and decided by Halbrooks, Presiding Judge; Shumaker, Judge; and Schellhas, Judge.

## **UNPUBLISHED OPINION**

**HALBROOKS**, Judge

Relator brings this pro se certiorari appeal to challenge the unemployment-law judge's (ULJ) decision that she voluntarily left her employment without a good reason caused by her employer. Because the ULJ's findings are supported by substantial evidence in the record and because the ULJ's decision is not otherwise affected by an error of law, we affirm.

### **FACTS**

Beginning in June 2007, relator Janea Terry worked as the director of operations for respondent Farm Boy Fashions, Inc., doing business as MarcDaniel Salon. Terry eventually became dissatisfied with her job, and in a meeting on March 31, 2010, Terry admitted to Daniel Link, the owner of the company, and Mary Johns, the human resources director, "that her motivation was down . . . and that she felt like she needed to be working toward something else." Link and Terry agreed during that meeting that Terry would continue working at the salon while she looked for another job, but only on the condition that she would work her scheduled hours until the end of her employment. On April 14, 2010, Link and Johns proposed an end date of May 14, to which Terry agreed. Terry signed a written agreement containing this end date. Terry testified that "when [she] signed that agreement, . . . [it] indicate[d] that [her] motivation was down, [her] passion wasn't there, so that was the basis for [her] leaving."

On May 4, 2010, Terry left work early to go to a doctor's appointment. She left Link a message at 11:00 a.m., stating that she would be leaving shortly before 2:00 p.m.,

but she did not have approval to leave early. Link did not receive the message until after Terry had left. The next morning, when Terry arrived for work, Link asked her for her keys and told her that he took her act of leaving early the day before as her resignation.

Terry applied for unemployment benefits. Respondent Minnesota Department of Employment and Economic Development (DEED) determined that Terry was eligible for unemployment benefits because the behavior that led to her discharge on May 5, 2010, was not employment misconduct. The salon appealed the determination, arguing that Terry “was very aware that [an] unexcused absence was a serious violation of employer standards.”

The ULJ conducted a telephone hearing. Terry testified about the circumstances surrounding her discharge on May 5. Link confirmed the May 5 story but also testified concerning the circumstances leading up to that time. Link stated that “on March 31, [Terry] and I and Mary Johns, our human resource director, sat down and talked . . . and it was at that time that [Terry] expressed to us that her heart wasn’t in working at MarcDaniel any longer. So we agreed at that time to accept her resignation.” Link explained that the parties agreed to “extend the departure day” for an undetermined period of time to ensure a smooth transition. But it was also agreed that until Terry ended her employment, she was required to adhere to a schedule and that if she did not, the salon “would accept that as her resignation.” Link testified that when Terry left early for her appointment on May 4, he interpreted that as her resignation.

The ULJ gave Terry an opportunity to testify about her decision to quit. Terry at first explained that she did not give her resignation on March 31, but that “[t]he

resignation was actually given to me on April 14, in which the dates that we discussed were 60 to 90 days. The May 14 date was brought to me by [Link] and [Johns]. I agreed to it.” The ULJ asked: “Ms. Terry, this April 14 meeting where you discussed the 60 to 90-day period, did you indicate you wanted to quit at that time?” Terry responded, “The 60 to 90-day period was discussed on March 31. On the 14th, when I signed that agreement, yes, we did indicate that my motivation was down, my passion wasn’t there, so that was the basis for me leaving.” When asked again why she wanted to transition out of the salon, Terry stated:

I didn’t feel like I had the support from my leader or my boss that I should have. I was expected to do a lot in my role. And I am a strong person, I’m very internally motivated, but for me not to have the leadership by example that I needed, it was only going to last so long. So that made my satisfaction for my job decrease.

When asked if she had any more facts to add at the end of the hearing, Terry added, “I just would like to say that I in no way ever said that their company treated me negatively.”

In his decision, the ULJ found that “[o]n March 31, 2010, Terry gave notice that she would be quitting her job. . . . On April 14, 2010, Link and Terry agreed that Terry’s last day would be May 14, 2010.” The ULJ concluded that

[t]he evidence in this case shows that Terry did give a notice of intention to quit the employment. Her intended date of quitting was May 14, 2010. However, she . . . was discharged on May 5, 2010 . . . . The evidence of record shows that she was discharged for reasons other than employment misconduct and she did not have a good reason caused by the employer for quitting this job.

The ULJ concluded that Terry was eligible for unemployment benefits for the time period between her discharge and her intended quit date, but was not eligible for benefits after May 14, 2010.

Terry requested reconsideration, arguing that the May 14 quit date was chosen by the salon, but that she “agreed because [she] would have had viable employment had [she] been able to use [her] current job as a reference.” She argued that she had good reason to quit because of lack of support and leadership from her boss, low morale and lack of respect, as well as the owner’s rampages.

The ULJ denied Terry’s request for reconsideration, stating that

[t]he evidence of record shows that Terry did not have a good reason caused by the employer for quitting this job. The evidence shows that the circumstances which caused Terry to quit would not have caused the average, reasonable worker to quit and become unemployed. The evidence shows that the original decision in this matter is correct and there is no reason for an additional evidentiary hearing.

This appeal follows.

## **DECISION**

### **I.**

Terry argues that she did not quit because she did not determine the final day of her employment. “A quit from employment occurs when the decision to end the employment was, at the time the employment ended, the employee’s.” Minn. Stat. § 268.095, subd. 2(a) (Supp. 2009); *see also Nichols v. Reliant Eng’g & Mfg., Inc.*, 720 N.W.2d 590, 594-95 (Minn. App. 2006) (holding that the record supported the determination that the employee quit when the employee told her supervisor she had to

leave, stating that she was not able to put up with it any longer, gathered her personal belongings, and left). “A discharge . . . occurs when any words or actions by an employer would lead a reasonable employee to believe that the employer will no longer allow the employee to work for the employer in any capacity.” Minn. Stat. § 268.095, subd. 5(a) (2008). “Whether an employee has been discharged or voluntarily quit is a question of fact.” *Nichols*, 720 N.W.2d at 594 (quotation omitted). This court will not disturb factual findings if they are supported by substantial evidence. *Skarhus v. Davanni’s Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006).

The ULJ found that Terry quit effective May 14, 2010. Terry testified that she wanted to leave her job due to dissatisfaction. Her argument is that because she would have preferred a 60- or 90-day notice period as opposed to the 45-day notice period, she was effectively discharged. But she testified that she agreed to the end date, and she signed an agreement to that effect. The ULJ’s determination that Terry quit effective May 14, 2010, is therefore supported by substantial evidence in the record.

## II.

Terry received unemployment benefits for the time period between her discharge and her intended quit date. But Terry argues that she is entitled to unemployment benefits after her intended quit date. Subject to certain exceptions, an applicant who quits employment is ineligible to receive unemployment benefits. Minn. Stat. § 268.095, subd. 1 (Supp. 2009). One exception applies when an applicant quit employment for a good reason caused by the employer. *Id.*, subd. 1(1).

A good reason caused by the employer for quitting 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.

Minn. Stat. § 268.095, subd. 3(a) (2008).

The reason why an individual quit employment is a fact question for the ULJ to determine. *See Beyer v. Heavy Duty Air, Inc.*, 393 N.W.2d 380, 382 (Minn. App. 1986) (reviewing determination of reason employee quit as a factual finding). “We view the ULJ’s factual findings in the light most favorable to the decision, giving deference to the credibility determinations made by the ULJ. In doing so, we will not disturb the ULJ’s factual findings when the evidence substantially sustains them.” *Skarhus*, 721 N.W.2d at 344 (citations omitted). The ULJ gave Terry ample opportunity at the hearing to state her reasons for quitting. Her stated reasons were that her “motivation was down, [her] passion wasn’t there” and that she “didn’t feel like [she] had the support from [her] leader or [her] boss that [she] should have.”

Whether an employee had a good reason to quit caused by the employer is a legal question, which this court reviews de novo. *Peppi v. Phyllis Wheatley Cmty. Ctr.*, 614 N.W.2d 750, 752 (Minn. App. 2000). “In order to constitute good cause, the circumstances which compel the decision to leave employment must be real, not imaginary, substantial not trifling, and reasonable, not whimsical; there must be some compulsion produced by extraneous and necessitous circumstances.” *Ferguson v. Dep’t*

*of Emp't Servs.*, 311 Minn. 34, 44 n.5, 247 N.W.2d 895, 900 n.5 (1976) (quotation omitted).

Generally, a poor relationship with another employee does not constitute a good reason to quit. *Portz v. Pipestone Skelgas*, 397 N.W.2d 12, 14 (Minn. App. 1986) (noting that good cause “does not encompass situations where an employee experiences irreconcilable differences with others at work or where the employee is simply frustrated or dissatisfied with his working conditions.”). Growing dissatisfaction with a supervisor is likewise insufficient. *Trego v. Hennepin Cnty. Family Day Care Ass’n*, 409 N.W.2d 23, 26 (Minn. App. 1987). Terry may have had personal reasons for quitting, such as Link’s alleged poor leadership, but a valid personal reason does not provide her with good cause to quit for the purpose of obtaining unemployment benefits. *See Edward v. Sentinel Mgmt. Co.*, 611 N.W.2d 366, 368 (Minn. App. 2000) (recognizing unemployment decisions holding that good personal reasons to quit do not equate to good cause), *review denied* (Minn. Aug. 15, 2000). Accordingly, we agree with the ULJ’s conclusion that because Terry did not have a good reason to quit caused by her employer, she is not entitled to unemployment benefits after May 14, 2010.

**Affirmed.**