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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A11-647**

Mary Kokesch,
Relator,

vs.

Landscape Renovations, Inc.,
Respondent,

Department of Employment
and Economic Development,
Respondent.

**Filed January 30, 2012
Affirmed
Crippen, Judge***

Department of Employment and Economic Development
File No. 26451702-3

Mary Kokesch, Prescott, Wisconsin (pro se relator)

Landscape Renovations, Inc., Afton, 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; Schellhas, 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UNPUBLISHED OPINION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 Mary Kokesch challenges the unemployment-law judge's (ULJ) determination that she is ineligible to receive unemployment benefits, arguing that she quit her employment because of medical necessity and that she had good reason to quit that is attributable to her employer. Because the ULJ's findings that defeat these arguments are substantially supported by the record, we affirm.

FACTS

Relator commenced work as an office assistant for respondent Landscape Renovations, Inc. in April 2010. Her responsibilities included transferring information from employees' handwritten timecards into the employer's computer system. She occasionally needed to adjust or interpret information on the timecards before entering it in the computer system because employees used nicknames rather than formal names, wrote incorrect job codes, or recorded individual hours that did not conform with the landscaping team's total hours. Early in her employment, relator's supervisor reprimanded her for processing the timecards too slowly and placed her on an informal probationary status.

Relator found her job conditions to be adverse. She believed that her timecard responsibilities exasperated her preexisting symptoms of anxiety, depression, and posttraumatic stress disorder, but she did not inform her employer that she was experiencing these medical problems. Relator further asserts that correcting the timecards was illegal and improper. She decided to quit the job in May 2010.

Respondent Minnesota Department of Employment and Economic Development notified relator in November 2010 that she was ineligible to receive unemployment benefits because she quit her employment and that she owed \$11,050 in unemployment benefits backdated to the week she quit. After relator's appeal, the ULJ conducted an evidentiary hearing in January 2011. The ULJ determined that relator was ineligible for benefits and required her to repay all benefits. On reconsideration, the ULJ subsequently affirmed this conclusion.

DECISION

This court will reverse or modify a ULJ's decision if, among other reasons, it represents an error of law or is unsupported by substantial evidence. Minn. Stat. § 268.105, subd. 7(d) (2010). "This court views the ULJ's factual findings in the light most favorable to the decision." *Peterson v. Nw. Airlines Inc.*, 753 N.W.2d 771, 774 (Minn. App. 2008), *review denied* (Minn. Oct. 1, 2008). We will not disturb the findings when they are substantially sustained by the evidence. *Id.*

An applicant who quits employment is ineligible for unemployment benefits, subject to ten exceptions. Minn. Stat. § 268.095, subd. 1 (2010). Relator asserts that her termination falls within two of these exceptions: medical necessity and good cause attributable to the employer. *See id.*, subd. 1(1), (7).

1.

Relator challenges the ULJ's finding that it was not medically necessary for her to quit employment. Specifically, she argues that her responsibilities exasperated her existing medical conditions of depression, anxiety, and posttraumatic stress disorder.

Medical necessity is a valid exception “if the applicant informs the employer of the medical problem and requests accommodation and no reasonable accommodation is made available.” *Id.*, subd. 1(7). Here, there may be an open question as to whether relator’s “serious illness or injury made it medically necessary” to quit. *See id.* But it is undisputed that she did not inform her employer of her medical problems and request reasonable accommodations as required by the statute. Relator requested no accommodations, even when her supervisor corrected her and placed her on informal probation. Accordingly, she has not satisfied the requirement for eligibility arising out of a medical necessity to quit.

2.

Relator also challenges the ULJ’s finding that she had no good reason to quit which was attributable to her employer. 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.*, subds. 1(1), 3(a) (2010). “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). “The standard of what constitutes good cause [to quit] is the standard of reasonableness as applied to the average man or woman” *Portz v. Pipestone Skelgas*, 397 N.W.2d 12, 13 (Minn. App. 1986) (quotation omitted). An employee’s frustration or dissatisfaction with working conditions does not constitute a good reason to quit attributable to the employer. *Id.* at 14.

Relator argues that her employer's practice of altering timecards was illegal and improper. It is undisputed that relator was frustrated with her job. But this frustration alone does not constitute a good reason to quit. *Id.* Relator did not show that her employer's practices were illegal, nor did she demonstrate that her employer's practices were unfair to its employees. The evidence substantially sustains the ULJ's finding that relator's working conditions would not have led a reasonable person to quit and become unemployed. *See Peterson*, 753 N.W.2d at 774.

The ULJ did not err by determining that relator quit her employment without a medical necessity or good reason caused by the employer.

Affirmed.