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Minn. Stat. § 480A.08, subd. 3 (2012).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A12-1774**

David J. Deem,
Relator,

vs.

Specialty Turf & AG, Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed May 28, 2013
Affirmed
Halbrooks, Judge**

Department of Employment and Economic Development
File No. 29925066-3

David J. Deem, Buffalo, Minnesota (pro se relator)

Specialty Turf & AG, Inc., Jefferson, Oregon (employer)

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

Considered and decided by Rodenberg, Presiding Judge; Halbrooks, Judge; and
Crippen, Judge.*

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

UNPUBLISHED OPINION

HALBROOKS, Judge

Relator challenges the decision of the unemployment-law judge (ULJ) that he is ineligible for unemployment benefits because he quit his employment without a good reason caused by the employer. We affirm.

FACTS

Relator David J. Deem worked as a golf-course superintendent for 22 years until he was laid off in October 2011. After Deem was unable to obtain employment at another golf course, he accepted a sales position with respondent Specialty Turf & AG, Inc., a wholesaler of lawn and turf supplies. Deem's position with Specialty Turf required him to drive to golf courses throughout seven metro-area counties and set up new sales accounts with those businesses. Deem found that driving was the most difficult part of his job because, as he described it, "driving in the Twin Cities was stressful" for him.

On June 14, 2012, Deem was almost "sandwiched" by two semi-trucks while driving in a rain storm. After this incident, Deem realized that he did not want to be driving for Specialty Turf and decided to "put all [of his] efforts back into trying to find employment on a golf course." Deem notified his supervisor of his decision to quit, explaining that "driving has been the hardest part [of the job]," he could not get motivated to continue driving, and he was not comfortable as a salesperson. Deem worked for Specialty Turf for almost three months.

Deem applied for unemployment benefits with respondent Minnesota Department of Employment and Economic Development (DEED) but was determined to be ineligible. Deem appealed and had a hearing before a ULJ. At the hearing, Deem reiterated his two-fold reason for quitting: (1) he did not want to drive in dangerous situations and (2) he did not feel that he was a competent salesperson. He attributed the difficulty of driving to “the nature of driving in a metropolitan area” and admitted that his employer was not responsible for those conditions. He testified to having no other reasons for quitting.

The ULJ determined that Deem is ineligible for benefits because he quit without a good reason caused by his employer, the only statutory exception to ineligibility that might apply to his case. The ULJ affirmed on reconsideration. This certiorari appeal follows.

D E C I S I O N

We review a ULJ’s decision to determine whether a party’s substantial rights were prejudiced because the findings, inferences, conclusion, or decision are unsupported by substantial evidence in view of the record as a whole or affected by an error of law. Minn. Stat. § 268.105, subd. 7(d) (2012). We view the ULJ’s factual findings in the light most favorable to the decision. *Skarhus v. Davanni’s Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006).

A quit from employment disqualifies an applicant from receiving unemployment benefits unless one of ten statutory exceptions applies. Minn. Stat. § 268.095, subd. 1 (2012). One exception applies to applicants who quit for “a good reason caused by the

employer.” *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(a) (2012). Whether an employee quit for a good reason that is attributable to the employer is a question of law, which we review de novo. *Rootes v. Wal-Mart Assocs., Inc.*, 669 N.W.2d 416, 418 (Minn. App. 2003). But the reason why an employee quit is a factual 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 for quit as a factual finding).

Consistent with Deem’s admissions, the ULJ found that Deem quit because he did not like driving in the metro area and because he was not successful in sales. On appeal, Deem reiterates that he quit for those reasons but also contends that he quit because of his employer’s noncompliance with regulations. He further asserts that he should receive unemployment benefits because, at the time that he quit his job, he was under the impression that he would qualify for benefits.

1. Driving concerns

Deem argues that he had a good reason to quit because he was not comfortable driving in a metropolitan area and because he was nearly killed while driving on June 14. While those circumstances may have created a compelling personal reason for Deem to quit his job, they are not reasons that were caused by his employer. Deem acknowledged this at his hearing and further testified that what made driving difficult for him was simply the “nature of driving in a metropolitan area.” Substantial record evidence

supports the ULJ's determination that Deem's decision to quit was not based on a good reason caused by his employer.

2. Sales performance

Deem also argues that his poor sales performance constituted a good reason to quit his job. He explains that he could not improve his sales figures because the golf courses he solicited already had lawn supplies and did not need additional ones. But these circumstances, while they may have made Deem's task difficult, are not conditions for which Specialty Turf was responsible. Because there is no evidence that Specialty Turf caused Deem's low sales, the ULJ properly concluded that Deem's decision to quit was not based on a reason caused by Specialty Turf.

3. Regulatory noncompliance

On appeal, Deem asserts that he also quit because Specialty Turf failed to comply with regulations. We are not so persuaded. When asked at his hearing whether there were any other reasons why he quit—in addition to his concerns about driving and his sales performance—Deem replied: “No.” Further fatal to this argument is the lack of evidence concerning Specialty Turf's regulatory compliance and any indication in the record that Deem's decision to quit was related to that compliance.

4. Deem's belief that he would be eligible

Finally, Deem argues that he should qualify for unemployment benefits because—based on his reading of DEED's website and handbook, which he was advised to “follow to the letter”—he was under the belief that he would receive those benefits if he left Specialty Turf. But there is no legal exception to benefits disqualification based on an

applicant's good-faith belief that he will receive unemployment benefits if he quits his employment or based on an applicant's misunderstanding of the governing law.

We conclude that the ULJ's determination that Deem quit his employment at Specialty Turf without a good reason caused by the employer is supported by substantial record evidence and was not made in error.

Affirmed.