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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A13-0237**

Tracey Walker,
Relator,

vs.

TJX Companies, Inc. - T.J. Maxx,
Respondent,

Department of Employment and
Economic Development,
Respondent.

**Filed August 26, 2013
Affirmed
Hudson, Judge**

Department of Employment and
Economic Development
File No. 30361171-3

Tracey Walker, Rockford, Illinois (pro se relator)

TJX Companies, Inc. – T.J. Maxx, c/o TALX UCM Services, Inc., St. Louis, Missouri
(respondent)

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

Considered and decided by Hudson, Presiding Judge; Halbrooks, Judge; and Ross,
Judge.

UNPUBLISHED OPINION

HUDSON, Judge

Relator challenges the determination by the unemployment-law judge (ULJ) that she is ineligible for benefits because she voluntarily quit employment without a good reason caused by the employer, arguing that she was forced to quit because of her homelessness. We affirm.

FACTS

Relator Tracey Walker began working at respondent-corporation T.J. Maxx in May 2011. Relator worked 26 hours per week on average, earning \$7.54 per hour. Relator lost her housing in August 2012 and became homeless. Her employer attempted to help her find housing, but relator was not able to resolve her housing situation. After having been homeless for two months, in October 2012 relator quit her job with T.J. Maxx to move to Rockford, Illinois, and live with her parents.

Relator applied for unemployment benefits, but DEED determined that she was ineligible for benefits because she left employment voluntarily, and none of the statutory exceptions applied. Relator appealed this determination, and, after a hearing, the ULJ affirmed the initial ineligibility determination, concluding that relator quit voluntarily, and her reason for quitting did not fall within a statutory exception that would render her eligible for benefits. Relator filed a request for reconsideration, and the ULJ affirmed the prior determination. This certiorari appeal follows.

DECISION

Relator argues that, because she was not fired for cause and was forced to leave employment in order to find housing, she should be awarded unemployment benefits. We review a ULJ's decision to determine if it is "(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." Minn. Stat. § 268.105, subd. 7(d) (2012).

An applicant who quits employment is ineligible for unemployment benefits unless a statutory exception applies. Minn. Stat. § 268.095, subd. 1 (2012). "A quit from employment occurs when the decision to end the employment was, at the time the employment ended, the employee's." *Id.*, subd. 2(a) (2012). An employee who quits for a good reason is eligible for benefits if the reason was caused by the employer. *Id.*, subs. 1(1), 3 (2012). "Whether an employee had good cause to quit is a question of law, which we review de novo." *Rowan v. Dream It, Inc.*, 812 N.W.2d 879, 883 (Minn. App. 2012) (quotation omitted).

The parties agree that relator left employment voluntarily. Relator fails to identify any exception that applies, and in fact acknowledges that her application does not "fall under the guidelines" to receive unemployment benefits in Minnesota. Though relator may have had good reason to quit, an applicant who quits because of a good reason is only eligible if that reason was caused by the employer. Minn. Stat. § 268.095, subs. 1(1), 3. But relator concedes that her reason for quitting employment was not

caused by her employer, and therefore she is not eligible for benefits under this exception. Because relator left her employment voluntarily and no statutory exception applies, relator is not eligible for unemployment benefits. *Id.*, subd. 1.

Relator argues that because she was a good employee, was forced to quit due to circumstances outside of her control, paid into the unemployment system while employed, and is currently unable to pay her bills, she should be awarded unemployment benefits as a matter of equity. However DEED is only permitted to pay unemployment benefits to applicants who meet the statutory eligibility requirements. Minn. Stat. § 268.069, subd. 1 (2012); *Irvine v. St. John's Lutheran Church of Mound*, 779 N.W.2d 101, 105 (Minn. App. 2010). “There is no equitable or common law denial or allowance of unemployment benefits.” Minn. Stat. § 268.069, subd. 3 (2012). Although relator’s situation is unfortunate, we have no authority to award her unemployment benefits.

Affirmed.