STATE OF MINNESOTA
IN COURT OF APPEALS
A13-0086

Joyce Ronningen,
Relator,

vs.

Prairie Island Indian Community,
Respondent,

Department of Employment and Economic Development,
Respondent.

Filed September 3, 2013
Affirmed; motion denied
Kirk, Judge

Department of Employment and Economic Development
File No. 30157323-3

Joyce Ronningen, Clearwater, Florida (pro se relator)

Prairie Island Indian Community, Red Wing, Minnesota (respondent)

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

Considered and decided by Chutich, Presiding Judge; Kalitowski, Judge; and Kirk, Judge.

U N P U B L I S H E D O P I N I O N

KIRK, Judge

Relator challenges the conclusion of an unemployment-law judge (ULJ) that her decision to quit employment was not for a good reason caused by the employer. Because we conclude that relator was not compelled to quit, that the employer did not have notice of relator's medical condition, and that the ULJ sufficiently reviewed the record, we affirm the ULJ.

FACTS

Relator Joyce Ronningen began working for respondent Prairie Island Indian Community in March 2008 as a pull-tab clerk at Treasure Island Resort and Casino. Her job duties required her to sell pull tabs from a booth and, one day a week, to sell pull tabs in the bingo hall using a pull-tab carrier. She generally worked 37 hours a week.

On the evening of May 26, 2012, Ronningen was assigned a high-volume shift in the pull-tab booth. Prior to that evening, she told her supervisors that she was unable to work in the bingo hall because the pull-tab carrier hurt her injured hand. As a result, the bingo supervisor assigned Ronningen to work in the booth, where she was not required to use her injured hand. That night, she was unable to complete all of her post-shift obligations. The next day, Ronningen got into an altercation with the bingo supervisor and Prairie Island suspended Ronningen for two days.

When she returned to work, Prairie Island assigned Ronningen to a position as a valet to accommodate her injury. She worked as a valet for two days, but told Prairie Island that she could not do the work because it exacerbated the injury. Prairie Island

placed her on medical leave from June 1 to July 4. Ronningen returned to work on July 8. Prior to her return, Ronningen provided a doctor's note instructing that she avoid using the pull-tab carrier until July 14. Prairie Island abided by this restriction. The doctor indicated that Ronningen was under no restrictions following July 14.

Around this time, Ronningen became frustrated with Prairie Island's refusal to assign her a full complement of 37 hours a week while less-senior employees were being asked to work more hours than she was. Prairie Island issued a schedule on July 28 that included shifts requiring Ronningen to carry pull tabs using the pull-tab carrier. Ronningen sent a letter to the gaming-operations manager indicating that she was not willing to return to carrying the pull-tab carrier. The gaming-operations manager contacted Ronningen and offered to assign her three shifts a week working in the pull-tab booth, but advised her that she would be required to give up her benefits because she would be moving to part-time hours. Soon after that, human-resources staff told the manager that the arrangement he proposed to Ronningen was impermissible because it afforded Ronningen treatment that was different than what other Prairie Island employees would receive.

Ronningen called in sick for several shifts in early August, and the gaming-operations manager advised her to bring a doctor's note accounting for the absences when she returned to work. On August 12, Ronningen provided a doctor's note explaining her absence, but she also tendered her resignation on that day.

Ronningen applied for unemployment-insurance benefits, and on September 10, respondent Minnesota Department of Employment and Economic Development (the

department) issued a determination of ineligibility, concluding that the reasons underlying Ronningen's resignation did not qualify her for unemployment benefits.

Ronningen appealed this determination and a ULJ held an evidentiary hearing. Ronningen explained to the ULJ that she quit because she "couldn't physically, mentally continue to work under the kind of lies, dishonesty, disrespect and so forth." Ronningen said, "[T]he problem [] is this whole thing was just driving me mentally crazy." Ronningen admitted to the ULJ that at no point prior to quitting did she request time off because of depression or anxiety. The ULJ issued findings of fact and a decision on October 18, affirming the department's determination of ineligibility. Ronningen filed a request for reconsideration, and on December 12, the ULJ affirmed his decision. This certiorari appeal follows.

D E C I S I O N

Ronningen raises two issues in this appeal: (1) did the ULJ incorrectly decide that Ronningen was ineligible for benefits because she quit employment for reasons that do not fall under either of two statutorily recognized exceptions that would render her eligible for benefits; and (2) was the ULJ unprepared for the evidentiary hearing, causing him to omit or fail to consider important evidence supporting her contentions.

> The Minnesota Court of Appeals may affirm the decision of the unemployment law judge or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioner may have been prejudiced because the findings, inferences, conclusion, or decision are . . . affected by [an] error of law[,] . . . unsupported by substantial evidence in view of the entire record as submitted; or . . . arbitrary or capricious.

Minn. Stat. § 268.105, subd. 7(d)(4), (5), (6) (2012). This court "views the ULJ's factual findings in the light most favorable to the decision" and gives deference to the credibility determinations of the ULJ. *Peterson v. Nw. Airlines Inc.*, 753 N.W.2d 771, 774 (Minn. App. 2008), *review denied* (Minn. Oct. 1, 2008). "[T]his court will not disturb the ULJ's factual findings when the evidence substantially sustains them." *Id.*

"When the credibility of an involved party or witness testifying in an evidentiary hearing has a significant effect on the outcome of a decision, the unemployment law judge must set out the reason for crediting or discrediting that testimony." Minn. Stat. § 268.105, subd. 1(c) (2012). This court will affirm if "[t]he ULJ's findings are supported by substantial evidence and provide the statutorily required reason for her credibility determination." *Ywswf v. Teleplan Wireless Servs., Inc.*, 726 N.W.2d 525, 533 (Minn. App. 2007). "We review de novo a ULJ's determination that an applicant is ineligible for unemployment benefits." *Stassen v. Lone Mountain Truck Leasing, LLC*, 814 N.W.2d 25, 30 (Minn. App. 2012).

I. The ULJ correctly concluded that Ronningen was ineligible for benefits because her reasons for quitting do not fall under the statutory exceptions.

A. Ronningen did not quit because of a good reason caused by the employer.

An applicant for unemployment benefits who has quit employment is ineligible for all benefits except when "the applicant quit the employment because of a good reason caused by the employer." Minn. Stat. § 268.095, subd. 1(1) (2012). "A good reason caused by the employer for quitting is a reason . . . that is directly related to the employment and for which the employer is responsible," "is adverse to the worker," and

"that would compel an average, reasonable worker to quit and become unemployed rather than remaining in the employment." *Id.*, subd. 3(a). When an employer has subjected an applicant for unemployment benefits to adverse working conditions, "the applicant 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." *Id.*, subd. 3(c).

Whether an employee had a good reason to quit is a question of law. *Wood v. Menard, Inc.*, 490 N.W.2d 441, 443 (Minn. App. 1992). "A good personal reason does not equate with good cause." *Kehoe v. Minn. Dep't of Econ. Sec.*, 568 N.W.2d 889, 891 (Minn. App. 1997) (quotation omitted).

Ronningen contends that the legitimate adverse conditions that gave rise to her decision to quit were the dishonesty, double standards, and disrespect shown to her by the gaming-operations manager and the bingo supervisor. When the ULJ pressed her at the evidentiary hearing to explain the lies that led to her quitting, Ronningen recounted the busy evening of May 26 when she had a hard time completing her assigned duties, and which later led to the dispute with the bingo supervisor. As additional reasons for her stress and anxiety, Ronningen told the ULJ that employees with less seniority were treated more favorably in scheduling. She claims in her brief to this court that the gaming-operations manager lied to her when he told her that he was investigating the argument between Ronningen and the bingo supervisor. Ronningen further claims that the gaming-operation manager's withdrawal of the offer to move Ronningen to a part-time schedule was another lie contributing to her good reason for quitting. The parties do

not dispute that Ronningen gave Prairie Island notice that she was frustrated with her supervisors and with certain aspects of the work environment.

Ronningen's contention that the gaming-operations manager lied to her about his efforts to investigate the altercation between Ronningen and her supervisor calls for a factual determination. The ULJ credited the testimony of Prairie Island's witnesses over the testimony of Ronningen and he explained his rationale, as is required by Minn. Stat. § 268.105, subd. 1(c). Regardless, the parties mostly agree about the events on the evening of May 26 and what followed. While these events undoubtedly caused Ronningen stress and anxiety, they do not rise to the level that would "compel" her to quit. *See* Minn. Stat. § 268.095, subd. 3(a)(3) (requiring a reason that would compel an average, reasonable worker to quit). "Good cause is a reason that is real, not imaginary, substantial not trifling, and reasonable, not whimsical; there must be some compulsion produced by extraneous and necessitous circumstances." *Haskins v. Choice Auto Rental, Inc.*, 558 N.W.2d 507, 511 (Minn. App. 1997) (quotation omitted).

No job is without its inconveniences and stresses. Stressors related to scheduling, changes in duties, busy periods, and inconsistencies on the part of the employer are common in most jobs. Ronningen has not met her burden of showing that the circumstances here were so unusual as to make it "necessitous," or to give rise to a "compulsion," that she quit. *See id.*, 558 N.W.2d at 511.

B. Ronningen did not provide Prairie Island with notice and a request for accommodation for the medical reasons that gave rise to her decision to quit.

Ronningen also contends that she was justified in quitting because of a medical condition caused by the mental stress and anxiety she endured at Prairie Island. She contends that she gave Prairie Island several months to correct the situation.

An applicant for unemployment benefits is eligible for benefits if she quits "because the applicant's serious illness or injury made it medically necessary that the applicant quit," provided that the applicant has "inform[ed] the employer of the medical problem and requests accommodation and no reasonable accommodation is made available." Minn. Stat. § 268.095, subd. 1(7) (2012).

Prairie Island does not appear to dispute that it knew that Ronningen was experiencing stress in her job. It also had notice that Ronningen required medical accommodations because of her hand injury, and Ronningen does not dispute that Prairie Island fully complied with the physician-ordered work restriction. However, Ronningen admits that she never asked Prairie Island for a leave of absence related to a medical condition arising from job-related stress and anxiety.

The evidence in the record shows that Ronningen complained to Prairie Island about her relationships with her supervisors, and that she advised Prairie Island of medical problems related to her hand. None of these complaints can be construed as notice that Ronningen was suffering from a medically diagnosed disorder related to stress.

The only evidence of a stress-related medical disorder that she provided to Prairie Island is a perfunctory doctor's note that she submitted on the day she quit her job, without giving Prairie Island the opportunity to offer an accommodation. Therefore, Ronningen has not met her burden of showing that Prairie Island had knowledge of Ronningen's stress-related medical condition before she quit, and her contention that she is entitled to unemployment benefits fails.

II. The ULJ was adequately prepared and considered the appropriate evidence.

Ronningen also claimed in her request for reconsideration and again before this court that the ULJ was unprepared for the evidentiary hearing because he failed to review certain documents in another case that Ronningen has before the department. When Ronningen referred to documents in the hearing that arise from her other case before the department, the ULJ advised her to treat this matter as a fresh matter, and to verbally testify to facts that may have been brought up in her other case.

In his reconsideration decision, the ULJ indicated he had considered the evidence identified by Ronningen and that it did not show that his earlier decision was incorrect.[1] A ULJ cannot consider new evidence unless an additional hearing is ordered. Minn. Stat. § 268.105, subd. 2(c) (2012). "A reviewing court accords deference to a ULJ's decision not to hold an additional hearing and will reverse that decision only for an abuse of discretion." *Skarhus v. Davanni's Inc.*, 721 N.W.2d 340, 345 (Minn. App. 2006).

[1] We also deny Ronningen's motion to supplement the record. Ronningen seeks to supplement the record with the same evidence that she asked the ULJ to enter into the record on reconsideration. The ULJ properly considered this evidence, addressed its impact on his decision, and declined to enter it into the record.

The ULJ did not act arbitrarily, nor did he err in refusing to reopen the record to accept additional evidence. The ULJ permitted Ronningen to testify regarding the evidence she identified, and he indicated in his reconsideration decision that he considered this evidence and that it did not render his earlier decision incorrect. Given this court's deference to the ULJ in reconsideration determinations, Ronningen's argument fails.

Affirmed; motion denied.