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**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-0126**

Eric Young,
Relator,

vs.

Wal-Mart Associates, Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed September 5, 2017
Affirmed
Rodenberg, Judge**

Department of Employment and Economic Development
File No. 35043631-3

Eric Young, St. Cloud, Minnesota (pro se relator)

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

Wal-Mart Associates, Inc., St. Louis, Missouri (respondent employer)

Considered and decided by Rodenberg, Presiding Judge; Kirk, Judge; and Florey,
Judge.

UNPUBLISHED OPINION

RODENBERG, Judge

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

FACTS

Relator worked as an electronics sales associate for Wal-Mart. This job required him to work in the electronics department, occasionally cover other departments, and use the back room of the store to order new products or retrieve stock. A few months after beginning work, relator developed concerns about his lack of training, understaffing at the store, and safety issues because of clutter in the back room. Relator raised these concerns in a series of four meetings with store management from March 2016 through October 2016. After his final meeting with a manager, relator quit his position, stating that he did so because of a combination of safety, staffing, and training issues. He also stated that he “needed” to find a position that was more suited to his training as a computer programmer. Relator applied for unemployment benefits.

The Minnesota Department of Employment and Economic Development (DEED) determined that relator was not eligible for unemployment benefits because he did not quit for a good reason caused by the employer. DEED determined that relator quit due to his disagreement with his work tasks or his employer’s evaluation of his job performance and that this disagreement did not have a substantial negative effect on relator that would cause the average reasonable worker to quit.

Relator appealed. Following a hearing before a ULJ, at which relator and one of his former managers testified, the ULJ found that safety reasons were only a small factor in relator's decision to quit and that relator quit because he became "worn out and stressed" by the job and because of the lack of appreciation from his employer. The ULJ concluded that this was not a good reason to quit and become unemployed, and affirmed DEED's determination that relator was not eligible for unemployment benefits. Relator requested reconsideration of the ULJ's decision. On reconsideration, the ULJ affirmed the earlier determination, finding that the evidence was insufficient to demonstrate that a genuine safety threat existed at the time relator quit.

This certiorari appeal followed.

D E C I S I O N

An applicant who quits employment is ineligible for unemployment benefits unless a statutory exception applies. Minn. Stat. § 268.095, subd. 1 (2016). The exception relevant to this case is that an applicant is eligible for unemployment benefits if he "quit the employment because of a good reason caused by the employer." *Id.*, subd. 1(1). A "good reason" to quit is one that is "directly related to the employment and for which the employer is responsible," adverse to the applicant, and "would compel an average, reasonable worker to quit and become unemployed rather than remaining in the employment." *Id.*, subd. 3 (2016). The reason for quitting must be "one that is real, not imaginary, substantial, not trifling, and reasonable, not whimsical." *Hein v. Precision Assocs., Inc.*, 609 N.W.2d 916, 918 (Minn. App. 2000) (quotation omitted).

Relator argues that he quit because of his safety concerns and that the ULJ erred by finding that safety concerns were only a small part of the reason he quit. He also argues that the ULJ erred in determining that safety was not an ongoing issue based on the testimony of his former manager.

The reason an employee quit is a factual determination. See *Beyer v. Heavy Duty Air, Inc.*, 393 N.W.2d 380, 382 (Minn. App. 1986) (reviewing the reason for separation from employment as a fact question). We review a ULJ's factual determinations "in the light most favorable to the decision and give deference to the credibility determinations made by the ULJ." *Neumann v. Dep't of Emp't & Econ. Dev.*, 844 N.W.2d 736, 738 (Minn. App. 2014) (quotations omitted). We "will not disturb the ULJ's factual findings when the evidence substantially sustains them." *Id.* (quotation omitted).

The record supports the ULJ's finding that relator quit for reasons other than his concerns about safety. During an exit interview, relator wrote that he quit because of a "combination of repeated safety, staffing and training issues," and he wanted to find a position that fit his skill set as a computer programmer. At the hearing, relator testified that he decided to quit after finding a project he had worked on discarded behind a counter, feeling that the incident highlighted the lack of training he had received. Relator also testified about bringing his safety concerns regarding clutter in the back room to his managers multiple times.

Reviewing the record and factual determinations in the light most favorable to the ULJ's decision, the record supports the ULJ's findings that relator quit for a variety of reasons, of which safety concerns were, at most, a small factor. The record substantially

supports the ULJ's factual determination that safety concerns were not the primary reason relator quit.

Relator also argues that the ULJ erred by finding that safety issues were only a sporadic concern. Relator argues that his having had to inform his managers about clutter blocking exits in the back room on multiple occasions proves that safety was an ongoing concern.

When considering whether a worker has good reason to quit because of safety concerns, a ULJ must look at "the information known to the employee at the time" he chose to quit. *Haskins v. Choice Auto Rental, Inc.*, 558 N.W.2d 507, 511 (Minn. App. 1997). If an employee complains about fears of working conditions and receives an "expectation of assistance," the employee must continue to complain if the conditions persist. *Id.* At the hearing, relator's former manager testified that he walked through the back room with relator during their final meeting, and that the exits were not then blocked. Relator did not testify to the contrary or otherwise challenge this evidence. While relator may be correct that the safety concerns existed multiple times in the past, because the record supports the ULJ's factual finding that the safety concerns had been resolved *at the time he quit*, relator has failed to show that he had good reason to believe that he had reasonable safety concerns when he quit. The record supports the ULJ's determination that relator did not have a good reason to quit due to his safety concerns.

We affirm the ULJ's conclusion that relator is ineligible for unemployment benefits.

Affirmed.