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Minn. Stat. § 480A.08, subd. 3 (2018).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-0457**

Jeffrey Pernu,
Relator,

vs.

Cragin Machine Shop,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed January 22, 2019
Affirmed
Jesson, Judge**

Department of Employment and
Economic Development
File No. 35930290-3

Jeffrey Pernu, Barnum, Minnesota (pro se relator)

Cragin Machine Shop, Superior, Wisconsin (respondent employer)

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

Considered and decided by Jesson, Presiding Judge; Halbrooks, Judge; and
Schellhas, Judge.

UNPUBLISHED OPINION

JESSON, Judge

After being laid off from his previous machinist position, relator Jeffrey Pernu worked as a job-shop machinist for Cragin Machine Shop. After eight weeks at Cragin, Pernu quit his job to participate in the Dislocated Worker Program, with the hopes of obtaining more lucrative employment elsewhere. He then applied for unemployment benefits. The department of employment and economic development determined Pernu ineligible for unemployment benefits, and an unemployment-law judge (ULJ) affirmed, reasoning that Pernu quit and no exception to ineligibility based on quitting applies. On appeal, Pernu does not dispute the ULJ's findings; rather, he offers an explanation for why he quit his job. We affirm.

FACTS

On August 7, 2017, relator Jeffrey Pernu started working full-time as a job-shop machinist with respondent Cragin Machine Shop. Previously, Pernu worked as a master machinist at Jarden Home Brands for twenty-three years, but Jarden closed in the summer of 2017.

After his first few days of employment at Cragin, during which Cragin assessed Pernu's skill level, Pernu was told he would be working as a job-shop machinist, making \$21.00 per hour. But Cragin told Pernu that he would be eligible for a pay increase after 30 working days. A couple weeks later, Pernu learned that his insurance premiums would cost approximately \$177 per week. Shortly thereafter, and before he completed 30 working days at Cragin, Pernu quit. Pernu had worked approximately 26 days, spanning 54 calendar

days, at Cragin. According to Pernu, he quit his job at Cragin to participate in the Dislocated Worker Program in order to find a job with higher wages.¹

After quitting Cragin, Pernu applied to the Minnesota Department of Employment and Economic Development (DEED) for unemployment benefits. On October 12, 2017, DEED issued a determination of ineligibility. Pernu appealed and a hearing was conducted by a (ULJ). Based on the evidence presented during the hearing, the ULJ determined that Pernu is ineligible to receive unemployment benefits because he did not (1) quit for good reason caused by the employer; (2) quit unsuitable employment within 30 calendar days; or (3) quit unsuitable employment to enter reemployment-assistance training.

Pernu filed a request for reconsideration. The ULJ affirmed the previous decision because Pernu did not submit any evidence which would likely change the outcome of her decision. This appeal follows.

D E C I S I O N

On appeal, Pernu challenges the ULJ's decision on reconsideration that he is ineligible for unemployment benefits because he quit his employment and a quit exception does not apply. Individuals who quit employment are ineligible for unemployment benefits, unless an exception applies. Minn. Stat. § 268.095, subd. 1 (2018). These exceptions include: (1) applicant quit the employment because of a "good reason caused by the employer"; (2) applicant quit the unsuitable employment within 30 calendar days of

¹ Minnesota's Dislocated Worker Program provides services to workers who have been laid off through no fault of their own and focuses on preparing the worker to find a suitable new job. See Minn. Stat. §§ 116L.17, .60 (2018).

beginning the employment; and (3) applicant quit the unsuitable employment to “enter reemployment assistance training.” *Id.*, subd. 1(1), (3)-(4).²

Whether an applicant is properly precluded from receiving unemployment benefits is a question of law, which this court reviews de novo. *Grunow v. Walser Auto. Grp. LLC*, 779 N.W.2d 577, 579 (Minn. App. 2010). But this court’s conclusions must be “based on findings that have the requisite evidentiary support.” *Nichols v. Reliant Eng’g & Mfg., Inc.*, 720 N.W.2d 590, 594 (Minn. App. 2006). This court views the factual findings in the light most favorable to the decision and the findings will not be disturbed when they are substantially sustained by the evidence. *Peterson v. Nw. Airlines, Inc.*, 753 N.W.2d 771, 774 (Minn. App. 2008), *review denied* (Minn. Oct. 1, 2008).

Quit because of a good reason caused by the employer

An applicant who quits because of a good reason caused by the employer is not prohibited from receiving unemployment benefits. Minn. Stat. § 268.095, subd. 1(1).

Pernu testified that he quit working at Cragin because the wages were too low and the cost of insurance premiums was too high. He stated that in order to continue placing money into his 401(k) retirement account, he needed a better paying job. He believed working with the Dislocated Worker Program would allow him to find a job with higher wages. Pernu does not dispute the ULJ’s decision that Cragin’s conduct did not cause him to quit. Based on the undisputed facts, we affirm the ULJ’s determination that the good-reason-caused-by-employer exception does not apply.

² Minn. Stat. § 268.095, subd. 1 includes ten quit exceptions. Only three exceptions are at issue here.

Quit unsuitable employment within 30 calendar days

An applicant who quits within 30 calendar days of beginning unsuitable employment is not prohibited from receiving unemployment benefits.³ Minn. Stat. § 268.095, subd. 1(3). Pernu worked for Cragin from August 7 to September 29, 2017, for a total of 54 calendar days. Pernu does not dispute he quit beyond the 30 window. He offers the explanation that he was unaware of this rule until after the fact. But Pernu's lack of knowledge does not provide a justification for failing to comply with the law. *See Bucko v. First Minn. Sav. Bank, F.S.B.*, 471 N.W.2d 95, 97-98 (Minn. 1991) (affirming that employer must abide by the employment statute, despite employer's lack of knowledge about the statute). We affirm the ULJ's determination that the quit-within-30-calendar-days exception does not apply.

Quit unsuitable employment to enter reemployment training

An applicant is not prohibited from receiving unemployment benefits if he quits unsuitable employment to enter reemployment training. Minn. Stat. § 268.095, subd. 1(4). While Pernu quit to participate in the Dislocated Worker Program, he does not dispute that his employment with Cragin was suitable. Rather, he left Cragin to find more preferable employment. Because Pernu's employment with Cragin was suitable, we affirm the ULJ's determination that the quit-to-enter-reemployment-training exception does not apply.

³ Suitable employment means "employment in the applicant's labor market area that is reasonably related to the applicant's qualifications." Minn. Stat. § 268.035, subd. 23a (2018). Pernu does not dispute that his employment with Cragin was suitable.

Pernu presents no valid legal challenges to the ULJ's decision. Pernu instead makes hardship arguments. He contends that he has always been driven to take care of his family, and that he lost his job when his former employer closed, found work at Cragin shortly thereafter, but because of the wages and insurance premiums, was unable to save for his future retirement. While we recognize the difficulties Pernu faced, and his contributions over the years, Minnesota unemployment law expressly prohibits equitable relief. Minn. Stat. § 268.069, subd. 3 (2018) ("There is no equitable or common law denial or allowance of unemployment benefits."). Because Pernu quit his employment, and no exception to ineligibility applies, we affirm the ULJ's determination that Pernu is ineligible for unemployment benefits.

Affirmed.