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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-0931**

Bernice Giernot,
Relator,

vs.

Lake Aire Bottle Shoppe,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed February 4, 2019
Affirmed
Bjorkman, Judge**

Department of Employment and Economic Development
File No. 36284859-3

Bernice Giernot, Duluth, Minnesota (pro se relator)

Lake Aire Bottle Shoppe, Duluth, Minnesota (respondent employer)

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

Considered and decided by Connolly, Presiding Judge; Bjorkman, Judge; and
Florey, Judge.

UNPUBLISHED OPINION

BJORKMAN, Judge

Relator challenges the decision by an unemployment-law judge (ULJ) that she is ineligible for unemployment benefits, arguing that she quit employment for a good reason caused by her employer. We affirm.

FACTS

Relator Bernice Giernot worked as the bookkeeper for respondent Lake Aire Bottle Shoppe, a liquor store, since 2001. The store hired a new general manager in 2015, and Giernot and the manager experienced conflict.

In August 2015, Giernot discovered that the manager interrupted remote software work on a computer by printing a sign. When she told him she believed this was rude, he responded that she was rude and that employees at the store's bank told him she was rude. Giernot complained to the store's owner about the comment. In 2016, the manager told his assistant manager that he did not trust Giernot's financial statements. Another time, he commented to the assistant manager that Giernot was "snooping through" his desk. In 2017, the manager approached Giernot's desk to talk to her and, when she continued to look at her computer and work, told her to look at him while they were talking. The manager also told Giernot not to use a shared work computer for personal matters; she felt singled out because others had been allowed to do so.

Giernot generally felt that the manager was disrespectful toward her and tried to "make [her] life more difficult." If Giernot did not respond when the manager wished her a good morning, he would repeat the greeting and ask if she heard him, which she felt

treated her “like a child.” Giernot asked the manager to write down the store’s specials and deals so she could update prices in the computer, and when he failed to do so she had to ask him or a salesperson for the information. And the manager occasionally made computer-entry and inventory mistakes, which Giernot believed were at least partially intentional.

In October 2017, Giernot complained to human resources about the manager. She identified three concerns: (1) she believed the manager was improperly selling wine to a restaurant, (2) the manager erred when entering costs into the computer, and (3) the manager prohibited her from performing personal tasks on a shared computer even though others were permitted to do so. The store owner met with them both and reassigned the task of entering costs to Giernot, which she accepted. The owner also instructed the manager to “be extra careful of the tone of his voice when talking to [Giernot].” But Giernot felt that these steps did not sufficiently hold the manager accountable.

On February 6, 2018, the manager told Giernot that she had not entered an item in the computer, even though she had. And later that day, he asked her to record each time she enters a new item in the computer or changes a price. She did not respond, and he asked if she had heard him. She told him she had, and then quit.

Giernot applied for unemployment benefits. Respondent Minnesota Department of Employment and Economic Development (DEED) determined that she is ineligible because she quit her employment. Giernot appealed.

A ULJ conducted a de novo evidentiary hearing, receiving testimony from Giernot and the manager. The ULJ found the manager’s testimony more credible than Giernot’s,

expressly crediting the manager’s testimony that he made no improper sales or intentional errors. And the ULJ determined that “[w]hile Giernot may have been frustrated with [the manager], an average, reasonable employee would not quit without obtaining alternate employment first.” Giernot requested reconsideration, and the ULJ affirmed. Giernot appeals by writ of certiorari.

D E C I S I O N

A person who quits employment is ineligible for unemployment benefits unless an enumerated statutory exception applies. Minn. Stat. § 268.095, subd. 1 (2018). One such exception is when a person quit “because of a good reason caused by the employer.” *Id.*, subd. 1(1). A good reason is an adverse circumstance “directly related to the employment and for which the employer is responsible” that “would compel an average, reasonable worker to quit and become unemployed rather than remaining in the employment.” *Id.*, subd. 3(a) (2018).

We will not disturb a ULJ’s decision that an employee quit without a good reason unless the decision is based on legal, factual, or procedural error that prejudiced a party’s substantial rights. Minn. Stat. § 268.105, subd. 7(d) (2018). We view a ULJ’s factual findings regarding an employee’s circumstances in the light most favorable to the decision and defer to the ULJ’s credibility determinations. *Wiley v. Robert Half Int’l, Inc.*, 834 N.W.2d 567, 569 (Minn. App. 2013). Whether established facts constitute a good reason attributable to the employer is a question of law, which we review de novo. *Rowan v. Dream It, Inc.*, 812 N.W.2d 879, 883 (Minn. App. 2012).

Giernot challenges the determination that she did not have a good reason to quit. She argues the manager “made [her] job difficult by the way he treated [her] as well as not providing [her] with the information to [her] that was his responsibility,” and did not alter his treatment of her after she complained, leaving her “no choice but to quit.” This argument is unavailing.

Whether an employee’s concerns constitute a good reason to leave employment is judged by “the standard of reasonableness as applied to the average man or woman, and not to the supersensitive.” *Nichols v. Reliant Eng’g & Mfg., Inc.*, 720 N.W.2d 590, 597 (Minn. App. 2006) (quotation omitted). Accordingly, an employee’s conflicts with others at work, including a personality conflict with a supervisor, do not, without more, constitute a good reason for quitting caused by the employer. *Trego v. Hennepin Cty. Fam. Day Care Ass’n*, 409 N.W.2d 23, 23-24 (Minn. App. 1987) (stating that “personality conflict” did not constitute good cause to quit); *Portz v. Pipestone Skelgas*, 397 N.W.2d 12, 14 (Minn. App. 1986) (stating that “irreconcilable differences with others at work” did not constitute good cause to quit); *see also Werner v. Med. Prof’ls LLC*, 782 N.W.2d 840, 842 (Minn. App. 2010) (stating that a good personal reason to quit does not necessarily establish good cause).

The largely undisputed factual record amply demonstrates that Giernot had a protracted personality conflict with the manager. These circumstances bothered Giernot and may have been a good personal reason for her to quit. But we are not persuaded that Giernot’s circumstances would lead the average, reasonable worker to quit without first

securing new employment. Accordingly, the ULJ did not err by concluding that Giernot quit without good cause and is ineligible for unemployment benefits.

Affirmed.