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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-1565**

Jenny Pierce,
Relator,

vs.

Egan Company,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed July 15, 2019
Affirmed
Jesson, Judge**

Department of Employment and Economic Development
File No. 36497037-2

Jenny L. Pierce, Rochester, Minnesota (pro se relator)

Egan Company, Brooklyn Park, Minnesota (for respondent employer)

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

Considered and decided by Jesson, Presiding Judge; Schellhas, Judge; and Smith,
Tracy M., Judge.

UNPUBLISHED OPINION

JESSON, Judge

After a meeting to discuss her job performance, relator Jenny Pierce left her employment as a project associate for respondent Egan Company (Egan). She then applied for unemployment benefits and indicated three times that she had quit her job with Egan. The department of employment and economic development (DEED) determined Pierce was ineligible for unemployment benefits. Pierce now challenges the unemployment law judge's (ULJ) decision that she is ineligible, claiming it was error to find that she quit. Because substantial evidence in the record supports the ULJ's finding, we affirm.

FACTS

Pierce worked for Egan between September 2017 and April 2018. In March 2018, Pierce's supervisor, Jeff Young, gave her a performance review during which he identified several areas where Pierce was in need of improvement. On April 25, 2018, Young called a meeting with Pierce. Young told Pierce he "was concerned that the position was not working out for her" and stated he did not want to "have to go to the next level." Pierce responded, "If that is the way you feel," and left her employment that day. Pierce claims she was discharged. But Egan asserts that Pierce quit.

Pierce subsequently applied for unemployment benefits with DEED. In filling out her application, Pierce checked boxes three times indicating that she had quit her employment with Egan. In May 2018, DEED determined that Pierce was ineligible for unemployment benefits. Pierce appealed the determination, and an evidentiary hearing was held. Testimony was provided by Pierce and an Egan human-resources representative

who had not been present for the April 25, 2018 meeting between Pierce and Young. Egan’s representative testified that Pierce verbally and voluntarily quit her employment on April 25, that Egan had no intention to terminate her employment during the job-performance meeting, and that, when an employee quits, it is standard practice for Egan to handle all paperwork and recommend that the employee apply for unemployment benefits. The ULJ found Egan’s representative credible. And the ULJ found that on April 25, 2018, Pierce quit her employment in anticipation of discharge, which constituted a “quit for reasons other than a good reason caused by the employer under Minnesota Statutes section 268.095.”¹ As a result, the ULJ concluded Pierce was ineligible for unemployment benefits.

Pierce filed a request for reconsideration, and the ULJ issued an order affirming its initial decision. The ULJ found that Pierce had not submitted any evidence that would likely change the outcome of its decision. Pierce appeals.

D E C I S I O N

An individual who quits employment is ineligible for all unemployment benefits unless an exception applies. Minn. Stat. § 268.095, subd. 1 (2018). One exception applies if an employee quits “because of a good reason caused by the employer.” *Id.*, subd. 1(1). A good reason to quit caused by an employer “is a reason: (1) that is directly related to the employment and for which the employer is responsible; (2) that is adverse to the worker;

¹ Minnesota Statutes section 268.095, subdivision 1 (2018) provides that “[a]n applicant who quit employment is ineligible for all unemployment benefits” except when the applicant quit for a good reason caused by the employer or for a number of other reasons that do not apply to these facts.

and (3) that would compel an average, reasonable worker to quit and become unemployed rather than remaining in the employment.” *Id.*, subd. 3(a)(1)-(3) (2018).

Whether an employee quit employment is a question of fact for a ULJ to determine. *Posey v. Securitas Sec. Servs. USA, Inc.*, 879 N.W.2d 662, 664 (Minn. App. 2016). “This court reviews a ULJ’s findings of fact in a light most favorable to the decision, and will not disturb the findings so long as there is evidence in the record that substantially supports them.” *Gonzalez Diaz v. Three Rivers Cmty. Action, Inc.*, 917 N.W.2d 813, 815-16 (Minn. App. 2018). Credibility determinations are also within “the exclusive province of the ULJ and will not be disturbed on appeal.” *Bangtson v. Allina Med. Grp.*, 766 N.W.2d 328, 332 (Minn. App. 2009) (quotation omitted).

Pierce argues that the ULJ erred in finding that she quit her job at Egan and therefore also erred in finding her ineligible for unemployment benefits. We disagree.

In her online application Pierce indicated three times that she had quit her job with Egan. Pierce testified that she mistakenly marked that she had quit while filling out the forms on her phone, but the ULJ did not credit this testimony. Instead, the ULJ found Egan’s representative credible because her testimony was “straightforward, logical and plausible.” What Pierce says transpired on April 25 and what Egan’s representative says occurred cannot both be true. We defer to the ULJ’s findings, especially on the credibility of witnesses, in concluding that no error occurred.

Pierce identifies four factual arguments to support her position that there is not sufficient evidence in the record to prove she resigned from her position at Egan: (1) that no one from Egan who had first-hand knowledge of the April 25 meeting provided

testimony at the June 1 hearing; (2) that she provided contemporaneous text messages stating she was let go from her job without reason or warning; (3) that Young offered to pay her for the remainder of the week of April 25; and (4) that no exit interview was provided and therefore no signed documentation exists that attests to the circumstances of her leaving Egan.

The ULJ reviewed all of these arguments and found them unpersuasive. Egan's representative was credible, Pierce's text messages do not show what was said in the April 25 meeting, Young's offer is consistent with testimony regarding his "generous" personality, and Egan's representative testified that, in the case of an employee resignation, "[Egan will] take care of the paperwork." Pierce offers no new evidence to overcome this court's broad deference to the ULJ's findings. She also provides no argument that a good reason existed for her to quit that was caused by Egan. Therefore, because sufficient evidence in the record exists that tends to sustain the ULJ's findings, the ULJ did not err in finding that Pierce quit her employment with Egan and is ineligible for unemployment benefits as a result.

Affirmed.