

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A21-0970**

Nancy J. Peterson,
Relator,

vs.

St. Cloud Hospital,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed March 7, 2022
Affirmed
Cleary, Judge***

Department of Employment and Economic Development
File No. 38178337-3

Nancy J. Peterson, St. Cloud, Minnesota (pro se relator)

St. Cloud Hospital, St. Cloud, Minnesota (respondent employer)

Keri A. Phillips, Anne B. Froelich, Minnesota Department of Employment and Economic
Development, St. Paul, Minnesota (for respondent department)

Considered and decided by Frisch, Presiding Judge; Gaïtas, Judge; and Cleary,
Judge.

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to
Minn. Const. art. VI, § 10.

NONPRECEDENTIAL OPINION

CLEARY, Judge

Relator Nancy Peterson appeals an unemployment-law judge's (ULJ) determination that she is ineligible for employee benefits. Because substantial evidence supports the ULJ's determination that Peterson has not shown that she had a good reason to quit caused by her employer, we affirm.

FACTS

Relator Nancy Peterson began working for St. Cloud Hospital (SCH) on January 27, 2020, as a scheduling assistant. In this role, Peterson answered calls from patients in a room where three other colleagues also conducted scheduling phone calls. Peterson had difficulty hearing patients over the phone and made mistakes entering information. Peterson does not have any known medical issue making it difficult for her to hear. She also told the ULJ that she was not confident in the job because the training was too short. When Peterson explained to her supervisor that she was having trouble hearing patients on the phone because of the noise in the room, her supervisor encouraged her to apply for other jobs within the hospital system. Her supervisor also told Peterson that if she had trouble answering the phones, she did not have to answer phones as part of her work. Accordingly, Peterson did not answer the phones, but found that there was little else to do in her position, and her coworkers appeared irritated that Peterson did not have to answer phone calls.

On March 9, 2020, Peterson complained again to her supervisor, this time asking what she should do because she did not have enough work to do. Her supervisor told

Peterson she could leave her keys on her desk and then leave, so Peterson did so. Peterson applied for unemployment benefits nine days later.

The ULJ determined that Peterson quit employment and that none of the exceptions to ineligibility for employment benefits applied, specifically neither the exception for good reason caused by the employer nor the exception for quitting unsuitable employment within 30 calendar days of beginning employment applied to Peterson. The ULJ therefore determined Peterson was ineligible for unemployment benefits. Peterson appealed.

DECISION

“A quit from employment occurs when the decision to end the employment was, at the time the employment ended, the employee’s.” Minn. Stat. § 268.095, subd. 2(a) (2020). “An applicant who quit[s] employment is ineligible for all unemployment benefits” unless he or she qualifies under one of the enumerated exceptions to ineligibility. *Id.*, subd. 1 (2020).¹

“In unemployment benefits cases, we review the ULJ’s findings of fact in the light most favorable to the decision and will not disturb those findings as long as there is evidence in the record that reasonably tends to sustain them.” *Wilson v. Mortg. Res. Ctr., Inc.*, 888 N.W.2d 452, 460 (Minn. 2016) (quotation omitted). Whether the applicant falls under an exception to ineligibility for quitting employment is a question of law, which we

¹ Both the ULJ and respondent addressed the exception to ineligibility that allows employees who quit “within 30 calendar days of beginning the employment and the employment was unsuitable” to receive unemployment benefits. Minn. Stat. § 268.095, subd. 1(3). Peterson does not challenge the ULJ’s determination on this exception.

review de novo. *Peppi v. Phyllis Wheatley Cmty. Ctr.*, 614 N.W.2d 750, 752 (Minn. App. 2000); *Rowan v. Dream It, Inc.*, 812 N.W.2d 879, 883 (Minn. App. 2012).

One exception to ineligibility for unemployment benefits is if an applicant quit employment because of a good reason caused by the employer. Minn. Stat. § 268.095, subd. 1(1). “What constitutes good reason caused by the employer is defined exclusively by statute.” *Rootes v. Wal-Mart Assocs., Inc.*, 669 N.W.2d 416, 418 (Minn. App. 2003). A good reason caused by the 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; and (3) that would compel an average, reasonable worker to quit and become unemployed rather than remaining in the employment.” Minn. Stat. § 268.095, subd. 3(a) (2020).

Peterson claims that she was subject to adverse working conditions: her workspace was noisy due to coworkers answering calls in the same room that she was, the training was insufficient, and when SCH told her that she did not need to answer phones if it was too difficult, Peterson was not assigned other tasks. Peterson argues that “irreconcilable differences and being frustrated [were] good reasons to leave.” Peterson does not claim that the ULJ made mistakes in its factual finding.² We therefore review her argument de novo. *See Rowan*, 812 N.W.2d at 883.

² Peterson implies that the ULJ erred by finding that “others appear to have not had similar problems or they were able to overcome them.” Peterson claims on appeal that “[o]ne other coworker talked to our supervisor and said the other coworker talked loudly so she had a hard time hearing also.” Peterson did not present this evidence to the ULJ; therefore, the ULJ could not consider this, and nor can we, so this argument fails.

Here, the working conditions—a noisy work environment, brief training, and irritated coworkers—were directly related to Peterson’s employment and were adverse to Peterson. The primary issue then is whether these conditions would have compelled “an average, reasonable worker to quit and become unemployed rather than remaining in the employment.” Minn. Stat. § 268.095, subd. 3(a). “‘Good cause’ to quit has been defined as 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.’” *Cook v. Playworks*, 541 N.W.2d 366, 368 (Minn. App. 1996) (quoting *Ferguson v. Dep’t of Emp. Serv.*, 247 N.W.2d 895, 900 n. 5 (1976)). This objective standard is “reasonableness as applied to the average man or woman, and not to the supersensitive.” *Id.* (quotation omitted).

Peterson’s argument that the room was too noisy for a reasonable person to remain in employment is unavailing. SCH changed the circumstances of Peterson’s employment so that she was not required to answer calls. Then, Peterson felt uncomfortable because she did not have enough tasks to complete while her coworkers continued to answer the phones and commented on Peterson’s idleness.³ Under the circumstances here, it is likely that a reasonable person would continue employment rather than quit.

In response to Peterson’s claim that “irreconcilable differences and being frustrated are good reasons to leave[.]” respondent Department of Employment and Economic Development (DEED) cites *Portz v. Pipestone Skelgas*, in which this court said that a good

³ Peterson does not appear to challenge the ULJ’s determination that her co-workers’ actions would not have compelled an average, reasonable worker to quit.

reason caused by the employer “does not encompass situations where an employee experiences irreconcilable differences with others at work or where the employee is simply frustrated or dissatisfied with his working conditions.” 397 N.W.2d 12, 14 (Minn. App. 1986). We agree that *Portz* supports the ULJ’s determination that frustration with the work environment is not a good reason for quitting caused by Peterson’s employer.

The undisputed factual record supports the ULJ’s determination that the circumstances here did not create a good reason attributable to the employer for Peterson to quit employment. Although Peterson’s work environment may have caused her frustration, the circumstances were not such that they would have compelled an average, reasonable person to quit and become unemployed.

Affirmed.