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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A21-1458**

Lora L. Aeliot,
Relator,

vs.

Riverway Learning Community,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed July 25, 2022
Affirmed
Cochran, Judge**

Department of Employment and Economic Development
File No. 42694735-3

Lora L. Aeliot, Winona, Minnesota (pro se relator)

Nathan B. Shepherd, Christian R. Shafer, Ratwik, Roszak & Maloney, St. Paul, Minnesota
(for respondent employer)

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Development, St. Paul, Minnesota (for respondent department)

Considered and decided by Bryan, Presiding Judge; Cochran, Judge; and
Gaïtas, Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

Relator challenges the decision of an unemployment-law judge (ULJ) that she was ineligible for unemployment benefits because she quit her job and did not meet any statutory exception to make her eligible. Relator argues that she met one of the statutory exceptions to ineligibility based on a quit—a good reason caused by her employer—and therefore we should reverse the ULJ’s decision. Alternatively, relator contends that we should remand the matter to the ULJ for further findings because the ULJ did not give a reason for crediting certain testimony of relator’s employer rather than relator’s testimony. We affirm.

FACTS

In August 2019, relator Lora Aeliot began working as a language arts teacher for respondent Riverway Learning Community (RLC), a charter school. Aeliot applied for the job with RLC while on leave from another school. She was on leave because she had developed post-traumatic stress disorder (PTSD) after an incident at the previous school in which police arrested a student in Aeliot’s classroom. When Aeliot interviewed for the job at RLC with its director, Oscar Uribe, she told him that she could not work in a school that arrests children as part of classroom discipline.

Over the course of the school year, Aeliot learned about two incidents at RLC where she believed police were involved in discipline. The first incident involved a sixth-grade student. The second incident involved a fifth-grade student. Aeliot also developed separate concerns relating to mold in the school building.

In April 2020, Aeliot gave RLC notice that she did not intend to return for the next school year. Aeliot's last day of work was May 29, 2020. She later applied for unemployment benefits through respondent Minnesota Department of Employment and Economic Development (DEED).

A DEED administrative clerk issued a determination of eligibility which concluded that Aeliot quit for a good reason caused by her employer. Namely, "[t]here was mold in the school" and Aeliot's "PTSD was triggered by the police arresting students on campus." RLC appealed the determination of eligibility, and the matter proceeded to a de novo hearing before a ULJ.

Hearing Testimony

At the hearing, the ULJ heard testimony from both Aeliot and Uribe. Aeliot testified that she told Uribe at her job interview that she had been diagnosed with PTSD after her experience at the previous school and that she could not "work in a school that arrests children as part of classroom discipline." Aeliot also testified about two incidents involving students at RLC that caused her concern related to her PTSD. Aeliot did not witness either incident. The first incident involved a sixth-grade student who was throwing scissors in a classroom. Based on discussions with other teachers, Aeliot believed that the student had been arrested by police at RLC for this conduct. The second incident involved a fifth-grade student. Aeliot heard from another employee that "there was an incident apparently on a bus," and a fifth-grade student who witnessed the incident was questioned by school officials about it. Aeliot also heard that the student was "threatened with the police" if he was not more forthcoming in telling school officials about what he may have

witnessed on the bus. Aeliot acknowledged in her testimony that this incident had occurred in the previous school year, before she started working at RLC.

Aeliot also testified that she had become concerned for her health because of mold that was growing in the walls of the school. She believed the mold was causing her to experience trouble breathing. She expressed her concern about the mold to the chair of the school board in late February 2020. Soon thereafter, she learned that RLC and its landlord planned “to address the issues with the building.” Beginning in March, Aeliot began working from home due to the COVID-19 pandemic and the mold problem. She continued working from home for the rest of the school year, but she emailed Uribe in April to give notice that she was quitting and would not be returning the following school year. Aeliot testified that she did “not at that moment” tell Uribe why she was quitting. In the summer of 2020, the landlord made significant repairs to address the mold problem.

Uribe testified to many of the same topics as Aeliot. Uribe’s testimony differed from Aeliot’s in a few key respects. First, Uribe disputed that Aeliot told him about her PTSD diagnosis in her initial job interview, though he testified that she did tell him she could not work in a school where students are arrested as part of classroom discipline and that “she doesn’t believe the police belong in schools.”

Next, Uribe testified to additional facts relating to the two student incidents that Aeliot testified were of concern. Regarding the first incident, Uribe testified that the sixth-grade student throwing scissors was not arrested. Rather, the student was taken by police to a clinic for a mental health assessment. He also testified that this was not the first time the student “had destroyed the entire room” and that the student was in danger of

hurting herself and other staff members. Regarding the second incident, Uribe testified that RLC did not threaten the student with police. Rather, the fifth-grade student had witnessed another student's "grossly inappropriate behavior" that the school was required to report to police. Uribe testified that he told the student and the student's father that the police were involved in the investigation, but the fifth-grade student "was just a witness."

Finally, Uribe testified regarding Aeliot's decision to quit. According to Uribe, when Aeliot quit, she did not inform him of any concerns relating to mold or to police involvement at the school. Nor did she ask for any accommodations to allow her to keep her job.

ULJ Decision

After the hearing, the ULJ issued findings of fact and a decision, determining that Aeliot was ineligible to receive unemployment benefits. The ULJ explained that, under Minnesota law, an individual who quits their employment is ineligible for all unemployment benefits unless a statutory exception applies, such as quitting because of a good reason caused by the employer or due to medical necessity. Minn. Stat. § 268.095, subd. 1(1), (7) (2020). The ULJ concluded that neither of these two potentially relevant exceptions applied. The ULJ found that Aeliot quit her job at RLC because "she believed a sixth-grade student had been arrested and a fifth-grade student was threatened with police at the school, and there was mold in the building." The ULJ determined that Aeliot did not have a good reason to quit because "[n]o students were arrested during the time Aeliot worked at RLC," and RLC "was taking active steps" to address the mold issue at the time Aeliot quit. Therefore, Aeliot's stated reasons for quitting did not satisfy the good-reason

exception to ineligibility for benefits. The ULJ also determined that Aeliot did not satisfy the medical-necessity exception to ineligibility for benefits based on her PTSD because she did not tell Uribe about her PTSD diagnosis in her interview or request accommodations for it. In making the findings of fact to support these conclusions, the ULJ credited Uribe's testimony where it conflicted with Aeliot's testimony.

Aeliot requested reconsideration, asserting that the ULJ's decision was factually incorrect because the ULJ found that she did not tell Uribe about her PTSD. The ULJ issued an order affirming the decision.

Aeliot appeals by certiorari.

DECISION

Aeliot challenges the ULJ's determination that she is ineligible for unemployment benefits. When reviewing the ULJ's decision, we may affirm the decision or remand for further proceedings. Minn. Stat. § 268.105, subd. 7(d) (2020). Alternatively, we may reverse or modify the ULJ's decision when the relator has been prejudiced because the decision, among other things, is affected by an error of law or not supported by substantial evidence in the record. *Id.*, subd. 7(d)(4)-(5).

Aeliot raises two arguments on appeal. First, Aeliot argues that she met the statutory exception for a quit based on a good reason caused by her employer and, therefore, the ULJ erred by concluding that she was not eligible for unemployment benefits. Second, and in the alternative, Aeliot argues that the ULJ erred by failing to set out detailed reasons for credibility determinations. We address each argument in turn.

I. Aeliot was not eligible for unemployment benefits based on a statutory exception.

A person who quits employment is ineligible for unemployment benefits unless one of ten enumerated statutory exceptions applies. Minn. Stat. § 268.095, subd. 1 (2020). One such exception applies when the person quit “because of a good reason caused by the employer.” *Id.*, subd. 1(1). Another such exception applies when the person quit because a “serious illness or injury made it medically necessary” for them to quit. *Id.*, subd. 1(7). Before the ULJ, Aeliot seemed to argue that she met both such exceptions. The ULJ concluded that neither exception had been met.

On appeal, Aeliot focuses her argument on the exception for a quit based on a good reason caused by her employer. She does not argue that the ULJ erred by concluding that she did not meet the medical-necessity exception. Accordingly, we focus our analysis on the good-reason exception.

We review the ULJ’s factual findings in the light most favorable to the decision and defer to the ULJ’s credibility determinations. *White v. Univ. of Minn. Physicians Corp.*, 875 N.W.2d 351, 355 (Minn. App. 2016). And we will not disturb the ULJ’s 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 ULJ’s findings show that an applicant meets a statutory exception to ineligibility for unemployment benefits after quitting employment is a question of law that we review de novo. *See Rowan v. Dream It, Inc.*, 812 N.W.2d 879, 883 (Minn. App. 2012)

(noting that whether an employee had a good reason to quit is a question of law subject to de novo review).

To satisfy the good-reason exception, the applicant's reason for quitting must be one that: (1) is directly related to the employment and for which the employer is responsible, (2) is adverse to the worker, and (3) would compel an average, reasonable worker to quit and become unemployed rather than remain in the employment. Minn. Stat. § 268.095, subd. 3(a)(1)-(3) (2020). Further, if an employer subjects an employee to adverse working conditions, the employee "must complain to the employer and give the employer a reasonable opportunity to correct the adverse working conditions before that may be a good reason caused by the employer for quitting." *Id.*, subd. 3(c) (2020).

In addressing whether the good-reason exception was met, the ULJ found that Aeliot quit her employment, in relevant part, because "she believed a sixth-grade student had been arrested and a fifth-grade student was threatened with police at the school." The ULJ determined that Aeliot's belief about police involvement at the school was not a good reason caused by her employer to quit because Aeliot's belief was not supported by the record. Crediting Uribe's testimony, the ULJ found that: "[n]o student was arrested at RLC during the time Aeliot was employed"; the sixth-grade student who "threw scissors and other sharp items at a staff member" was taken by police to a clinic for a mental health assessment; and the fifth-grade student was not "threatened with police" intervention but rather was a potential witness to a situation that police were investigating. And, because the ULJ reasoned that the record did not support Aeliot's concern regarding police at the school, the ULJ ended its analysis of the good-reason exception there. The ULJ did not

address whether the police involvement at the school exacerbated Aeliot's PTSD in determining whether the statutory good-reason exception was met. The ULJ did, however, address Aeliot's claim relating to her PTSD in its separate analysis of the medical-necessity exception. As part of that analysis, the ULJ expressly found that Aeliot did *not* inform her employer that she suffers from PTSD.

On appeal, Aeliot argues that the ULJ erred in its analysis of the good-reason exception by failing to consider and credit her testimony that she informed Uribe during her job interview that she suffers from PTSD. She contends that, if the ULJ had credited this testimony, the ULJ would have found that she quit for a good reason caused by her employer, given that she also informed Uribe that she cannot work in a school where police are involved in classroom discipline. We are not persuaded.

It is well established that this court defers to the ULJ's credibility determinations. *White*, 875 N.W.2d at 355. "Credibility determinations are the exclusive province of the ULJ and will not be disturbed on appeal." *Skarhus v. Davanni's Inc.*, 721 N.W.2d 340, 345 (Minn. App. 2006); *see also Vargas v. Nw. Area Found.*, 673 N.W.2d 200, 205 (Minn. App. 2004) (stating that appellate courts may not reweigh evidence on review), *rev. denied* (Minn. Mar. 30, 2004). Here, the ULJ heard conflicting testimony about whether Aeliot informed her employer about her PTSD. Uribe testified that Aeliot did not inform him of her PTSD diagnosis during her job interview. Aeliot testified that she did. Because of this conflicting testimony, the ULJ made a credibility determination. The ULJ credited Uribe's testimony, and we defer to that determination.

Thus, the critical inquiry for purposes of our review of the good-reason exception is whether the reason found by the ULJ as supporting Aeliot's quit—Aeliot's concern about police involvement with two students at the school—created an adverse working condition that would “compel an average, reasonable worker to quit.” Minn. Stat. § 268.095, subd. 3(a)(3). If so, we also inquire whether Aeliot complained to her employer about the police involvement and gave her employer a reasonable opportunity to correct that working condition as required by Minn. Stat. § 268.095, subd. 3(c).

We first conclude that the two police-involved incidents at issue would not compel an average, reasonable employee to quit.¹ “To compel” means “to cause or bring about by force, threats, or overwhelming pressure.” *Werner v. Med. Pros. LLC*, 782 N.W.2d 840, 843 (Minn. App. 2010) (quoting *Black's Law Dictionary* 321 (9th ed. 2009)), *rev. denied* (Minn. Aug. 10, 2010). And the standard is an objective one—it applies “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).

The record in this case does not support Aeliot's contention that the police-involved incidents would compel an average, reasonable employee in her position to quit. Though police were called to respond to the incident with the sixth-grader throwing scissors, the ULJ found that the student was taken to a clinic for a mental health assessment. The student

¹ Because we conclude that the record supports the ULJ's determination that Aeliot failed to satisfy this third component of the good-cause exception, we need not address the first two components—(1) whether the reason for quitting was directly related to the employment and the direct responsibility of the employer, and (2) whether the reason for quitting was adverse to the worker. See Minn. Stat. § 268.095, subd. 3(a)(1)-(2).

was not arrested. Moreover, the incident with the sixth-grader did not occur in Aeliot's classroom. Nor did she observe the incident. And the incident with the fifth-grader occurred before Aeliot started working at RLC. While Aeliot may have been especially sensitive to the information about the police involvement at the school, neither incident meets the statutory standard of compelling an average, reasonable employee to quit "by force, threats, or overwhelming pressure." *Werner*, 782 N.W.2d at 843.

We next conclude that, even assuming an average, reasonable employee would have quit due to police involvement at the school, Aeliot did not meet the statutory requirement that the employee "must complain to the employer and give the employer a reasonable opportunity to correct the adverse working conditions" before the conditions "may be a good reason caused by the employer for quitting." Minn. Stat. § 268.095, subd. 3(c). The record does not reflect that Aeliot either complained to her employer about the working conditions that were of concern to her or gave her employer an opportunity to address them. And Aeliot's general statement during her job interview that she opposes police involvement in school discipline was not sufficient to meet the requirements of Minn. Stat. § 268.095, subd. 3(c). Case law establishes that even "[w]hen an employee complains about an alleged fear of working conditions and receives an expectation of assistance, the employee has a duty to complain further if the conditions persist." *Haskins v. Choice Auto Rental, Inc.*, 558 N.W.2d 507, 511 (Minn. App. 1997). Accordingly, we conclude that the ULJ did not err by determining that Aeliot did not meet the statutory exception for a good reason caused by the employer.

II. The ULJ did not err by failing to expressly set out the reasons for credibility determinations.

Aeliot argues, in the alternative, that we should remand the matter back to the ULJ for further findings because the ULJ erred by “failing to make express, reasoned credibility determinations.” Specifically, Aeliot contends that the ULJ erred by “fail[ing] to specify any reason for discrediting [Aeliot’s] testimony” that she had informed her employer that she had PTSD.

As noted above, we view the ULJ’s factual findings in the light most favorable to the decision and defer to the ULJ’s credibility determinations. *White*, 875 N.W.2d at 355. But “[w]hen the credibility of a witness testifying in a hearing has a significant effect on the outcome of a decision, the [ULJ] must set out the reason for crediting or discrediting that testimony.” Minn. Stat. § 268.105, subd. 1a(a) (2020).

Here, the ULJ provided only a minimal explanation for the credibility determinations. The ULJ’s decision explains which findings derive from Aeliot’s testimony and which findings derive from Uribe’s testimony. But the ULJ’s credibility determinations are otherwise implied—the decision does not set out any reasons for crediting or discrediting any particular witness or testimony.

Therefore, we must consider whether the ULJ’s findings related to any disputed facts had “a significant effect on the outcome of [the] decision.” *Id.* Aeliot disputes only the ULJ’s finding that she did not tell Uribe that she suffered from PTSD in her job interview.

We conclude that this finding did not significantly affect the ULJ's conclusion that the police-involved incidents at the school were not a good reason caused by the employer for quitting. As discussed above, whether Aeliot informed Uribe of her PTSD diagnosis did not affect the ULJ's conclusion that Aeliot did not meet the good-reason exception. The ULJ's analysis of the good-reason exception reflects that the ULJ focused on factual findings related to RLC's involvement of the police in two student-related incidents at the school, one involving a sixth-grader and one involving a fifth-grader. Those factual findings are not disputed on appeal. Therefore, we conclude that the ULJ was not required to set out reasons for the credibility determination challenged by Aeliot in the ULJ's analysis of the good-reason exception.

Affirmed.