

*This opinion is nonprecedential except as provided by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
A23-1171**

Mary Chasteen,
Relator,

vs.

Ind School District #2342,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed July 8, 2024
Affirmed
Wheelock, Judge**

Department of Employment and Economic Development
File No. 49543682-3

Mary Chasteen, Elbow Lake, Minnesota (pro se relator)

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(for respondent Independent School District #2342)

Keri A. Phillips, Katrina Gulstad, Minnesota Department of Employment and Economic
Development, St. Paul, Minnesota (for respondent department)

Considered and decided by Wheelock, Presiding Judge; Ede, Judge; and Jesson,
Judge.*

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

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

In this unemployment-benefits appeal, relator challenges the decisions of the unemployment-law judge (ULJ) (1) that she is ineligible for unemployment benefits because she did not quit for a good reason caused by her employer and (2) to deny an additional evidentiary hearing to present new evidence. We affirm.

FACTS

Relator Mary Chasteen was employed by respondent Independent School District #2342 (school district) from September 2021 to April 14, 2023, as a paraprofessional at an elementary school. Her job duties included assisting special-education students with schoolwork and other tasks. She worked full time and was paid on an hourly basis. Some of the terms of her employment are set out in an employment agreement between support staff and the school district.

In September 2022, Chasteen told the elementary-school principal that she was interested in working at the school district's secondary school and asked if there were any paraprofessional positions available there. The principal told Chasteen that the district needed her at the elementary school and that there were no positions available at the secondary school. In November 2022, Chasteen signed a notice of assignment that stated that Chasteen was assigned to work at the elementary school for the 2022-2023 school year.

On April 6, 2023, the school-district superintendent met with Chasteen, informed her that the school district was reassigning her to the secondary school effective April 11,

2023, and gave her a revised notice of assignment. Chasteen refused to sign the revised notice of assignment and stated that she did not want to work at the secondary school because she had developed a rapport with the elementary students and the secondary school was seven miles further from her home. She also stated that she had seniority and believed there was a greater need for paraprofessionals at the elementary school than at the secondary school. At the appeal hearing before the ULJ, the superintendent testified that Chasteen would have worked the same hours at the secondary school. Chasteen testified that the superintendent “mention[ed] that those hours could be changed” but that she and the superintendent “never talked specifically about what the hours were going to be.” At the end of the meeting, the superintendent told Chasteen that he would look into her concerns and that they would meet again on April 11.

On April 11, Chasteen met with the superintendent, the elementary-school principal, and the elementary-school dean of students, and they confirmed that the school district was reassigning her to the secondary school. Chasteen objected again and stated that the superintendent did not have authority to reassign her, but the superintendent told Chasteen that he expected to see her at the secondary school the following day at 8:00 a.m. Chasteen followed up via email later that day, asserting that the employment agreement and the original notice of assignment prohibited the school district from reassigning her during the school year.

Chasteen submitted a sick-leave request that night and did not report to work on April 12. She was also absent on April 13 and did not provide notice of her absence until more than two hours into her shift. The superintendent emailed Chasteen and stated that if

she did not report to the secondary school on April 14 or was not properly excused, he would assume that she had resigned. Chasteen responded that she had not resigned. On April 14, Chasteen reported to the elementary school, and the superintendent instructed her to go to the secondary school. Instead, Chasteen turned in her key and badge, collected her belongings, and left.

Chasteen applied for unemployment benefits. Respondent Minnesota Department of Employment and Economic Development (DEED) determined that she was ineligible because she was discharged for employment misconduct for failing to provide proper notice of her absences.

Following an appeal hearing, a ULJ determined that Chasteen was ineligible for unemployment benefits because she quit without a good reason caused by her employer. The ULJ found that Chasteen quit because she did not want to work at the secondary school. The ULJ determined that not wanting to work at the secondary school was not a good reason to quit because the reassignment (1) was not sufficiently adverse to Chasteen and (2) would not compel an average, reasonable worker to quit. As relevant to this appeal, the ULJ found that Chasteen's work hours, rate of pay, and job duties would not be affected by the reassignment.

Chasteen submitted a request for reconsideration in which she argued that the reassignment was a breach of contract and requested an additional evidentiary hearing to present new evidence that she quit because she was a victim of domestic abuse. The ULJ affirmed the decision as factually and legally correct because the employment agreement did not contain language prohibiting reassignment. The ULJ denied her request for an

additional evidentiary hearing because the new evidence that Chasteen identified would not prove that she quit because of domestic abuse and thus would not likely change the outcome of the decision.

Chasteen appeals.

DECISION

Chasteen presents two challenges on appeal. First, she argues that the ULJ erred by determining that she did not quit for a good reason caused by the school district because the reassignment was a breach of contract and the ULJ's factual finding that Chasteen's hours would not change is incorrect. Second, she argues that she is entitled to an additional hearing to present new evidence that she quit because she is a victim of domestic abuse. We address each argument in turn.

I. The ULJ did not err by determining that Chasteen's reason for quitting was not a good reason caused by her employer.

Chasteen first challenges the ULJ's determination that her reason for quitting was not a good reason caused by her employer, arguing that (1) the reassignment was a breach of contract because her employment agreement and the November 2022 notice of assignment prohibited the school district from reassigning her to the secondary school and (2) the ULJ's factual finding that the reassignment would not affect her work hours was incorrect because the school district would not guarantee the same number of work hours at the secondary school.

The Minnesota Court of Appeals may affirm the decision of the unemployment law judge or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioner may have

been prejudiced because the findings, inferences, conclusion, or decision are:

- (1) in violation of constitutional provisions;
- (2) in excess of the statutory authority or jurisdiction of the department;
- (3) made upon unlawful procedure;
- (4) affected by other error of law;
- (5) unsupported by substantial evidence in view of the hearing record as submitted; or
- (6) arbitrary or capricious.

Minn. Stat. § 268.105, subd. 7(d) (Supp. 2023).

An applicant who voluntarily quits their employment is ineligible for unemployment benefits unless an exception applies. Minn. Stat. § 268.095, subd. 1 (2022). One exception is when the applicant quits “because of a good reason caused by the employer.” *Id.*, subd. 1(1). Whether an applicant’s reason for quitting constitutes a good reason caused by the employer is a question of law that we review de novo, so long as the conclusion is based on factual findings that are supported by substantial evidence in the record. *Thao v. Command Ctr., Inc.*, 824 N.W.2d 1, 4 (Minn. App. 2012). Substantial evidence is “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Gonzalez Diaz v. Three Rivers Cmty. Action, Inc.*, 917 N.W.2d 813, 816 n.4 (Minn. App. 2018) (emphasis omitted) (quotation omitted). “Appellate courts review the ULJ’s factual findings in the light most favorable to the decision, and we give deference to the ULJ’s credibility determinations.” *Icenhower v. Total Auto., Inc.*, 845 N.W.2d 849, 855 (Minn. App. 2014) (quotations omitted), *rev. denied* (Minn. July 15, 2014).

A good reason caused by the employer is defined exclusively by statute. Minn. Stat. § 268.095, subd. 3(g) (2022). The statute defines good reason as follows:

A good reason caused by the employer for quitting 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.

Id., subd. 3(a) (2022).

An employer's breach of an employment agreement may constitute a good reason caused by the employer. *See, e.g., Hayes v. K-Mart Corp.*, 665 N.W.2d 550, 553 (Minn. App. 2003) (breach of promise that applicant would receive a pay raise), *rev. denied* (Minn. Sept. 24, 2003); *Krantz v. Loxtercamp Transp., Inc.*, 410 N.W.2d 24, 27 (Minn. App. 1987) (breach of promise that applicant would not have to work weekends). But because a good reason caused by the employer is defined exclusively by statute, an employer's breach of contract, if any, still must satisfy the three statutory requirements.

As to the first requirement, there is no dispute that the reassignment was directly related to Chasteen's employment and that the school district was responsible for the reassignment.

As to the second requirement, whether the reassignment was adverse to Chasteen, Chasteen challenges the ULJ's factual finding that the reassignment would not affect Chasteen's work hours. An employer's unilateral change to an employee's hours or rate of pay may constitute an adverse change to the terms of employment. *See Thao*,

824 N.W.2d at 11; (remanding for a determination whether a reduction in hours was adverse); *Haugen v. Superior Dev., Inc.*, 819 N.W.2d 715, 723 (Minn. App. 2012) (“[C]aselaw consistently establishes that a substantial wage or hours reduction is good reason to quit.”).

Chasteen asserts on appeal that the superintendent told her that she would not be guaranteed eight hours per day at the secondary school. At the hearing, Chasteen testified that the superintendent “mention[ed] that [her] hours could be changed” but that she and the superintendent “never talked specifically about what the hours were going to be.” The superintendent testified that Chasteen would have worked the same hours at the secondary school. The ULJ’s finding that the reassignment would not affect Chasteen’s work hours is consistent with the superintendent’s testimony, and because we defer to the ULJ’s credibility determinations, this finding is supported by substantial evidence. Therefore, the ULJ did not err by determining that Chasteen’s reason for quitting was not a good reason caused by her employer because the reassignment was not adverse to Chasteen.¹

We therefore affirm the ULJ’s decision that Chasteen is not eligible for unemployment benefits under Minn. Stat. § 268.095, subd. 1(1).

II. The ULJ acted within her discretion by denying an additional evidentiary hearing.

Second, Chasteen argues that she is entitled to an additional evidentiary hearing to present new evidence that she quit because she is a victim of domestic abuse. We review

¹ Because we conclude that the second requirement is not met, we need not address the third requirement—whether the reassignment would compel an average, reasonable worker to quit.

a ULJ’s decision to deny an additional evidentiary hearing for an abuse of discretion. *Kelly v. Ambassador Press, Inc.*, 792 N.W.2d 103, 104 (Minn. App. 2010).

The [ULJ] must order an additional hearing if a party shows that evidence which was not submitted at the hearing:

(1) would likely change the outcome of the decision and there was good cause for not having previously submitted that evidence; or

(2) would show that the evidence that was submitted at the hearing was likely false and that the likely false evidence had an effect on the outcome of the decision.

Minn. Stat. § 268.105, subd. 2(c) (Supp. 2023).

In Chasteen’s request for reconsideration, she asserted that she quit her employment because she was a victim of domestic abuse by her daughter. An applicant is eligible for unemployment benefits if “the applicant quit because domestic abuse . . . of the applicant . . . necessitated the applicant’s quitting the employment.” Minn. Stat. § 268.095, subd. 1(9).² Chasteen stated that she did not want to work at the secondary school because she was afraid to work with older students after being assaulted by her daughter in April 2022. She claimed that she “may at one time [have] wanted to move [her] work location to the secondary school, but not after this incident.”

The ULJ determined that the evidence of the assault would not likely change the outcome of the decision because Chasteen had requested to transfer to the secondary school in September 2022—*after* the April 2022 assault—and Chasteen’s daughter was nearly 30 years old (and not a secondary-school student) at the time of the assault. Therefore, the

² For purposes of this exception, “domestic abuse” includes “physical harm, bodily injury, or assault” inflicted by a child against a parent. Minn. Stat. §§ 268.095, subd. 1(9)(i), 518B.01, subd. 2(a)(1), (b)(2) (2022).

ULJ determined that that the new evidence would not establish that the domestic-abuse exception applies.

Chasteen asserts on appeal that she rethought her request to transfer to the secondary school sometime after September 2022 and that her daughter also assaulted her when the daughter was a teenager. But we cannot consider these assertions because Chasteen did not present them to the ULJ and they are not properly before us. *See Peterson v. Ne. Bank-Minneapolis*, 805 N.W.2d 878, 883 (Minn. App. 2011) (“[B]ecause this issue was not raised before the ULJ, it is not properly before this court on review.”); *Eisenschenk v. Eisenschenk*, 668 N.W.2d 235, 243 (Minn. App. 2003) (“[A] party cannot complain about a district court’s failure to rule in [the party’s] favor when one of the reasons it did not do so is because that party failed to provide the district court with the evidence that would allow the district court to fully address the question.”), *rev. denied* (Minn. Nov. 25, 2003).

We agree with the ULJ that Chasteen’s request for reconsideration did not identify new evidence that would likely establish that the assault necessitated her quitting. Additionally, Chasteen’s assertion that she did not want to work at the secondary school after the assault directly conflicts with the evidence presented at the hearing. We therefore conclude that the ULJ acted within her discretion by denying an additional evidentiary hearing to address the domestic-abuse exception.³

³ Chasteen did not assert that that the ULJ was required to order an additional hearing because any of the evidence submitted at the hearing was likely false, and she did not otherwise show a connection between the assault and her decision to quit. *See* Minn. Stat. § 268.105, subd. 2(c)(2).

In sum, because the ULJ's factual finding that the reassignment would not affect Chasteen's work hours is supported by substantial evidence, the ULJ did not err by determining that Chasteen did not quit for a good reason caused by her employer. And because Chasteen did not show that new evidence related to domestic abuse would likely change the outcome of the decision, the ULJ acted within her discretion by denying an additional evidentiary hearing. We therefore affirm the ULJ's decision that Chasteen is ineligible for unemployment benefits.

Affirmed.