

*This opinion is nonprecedential except as provided by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
A24-0008**

Bryan Boysen,
Relator,

vs.

Independent School District 2172,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed August 19, 2024
Affirmed
Connolly, Judge**

Department of Employment and Economic Development
File No. 49915203-3

Bryan Boysen, Austin, Minnesota (pro se relator)

Independent School District 2172, Wanamingo, Minnesota (respondent employer)

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

Considered and decided by Connolly, Presiding Judge; Cochran, Judge; and Frisch,
Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Pro se relator argues that an unemployment-law judge (ULJ) erred in determining that he was ineligible for unemployment benefits because he quit his job without a good reason caused by his employer. We affirm.

FACTS

Relator Bryan Boysen worked full-time as a superintendent and principal for respondent Independent School District 2172 (ISD 2172) from July 1, 2020, through June 30, 2023.

On November 14, 2022, the school board chairperson and a school board director met with Boysen in his office. In the meeting, the chairperson and director told Boysen that the school board would take up the issue of whether to renew his contract. The parties' only dispute at the evidentiary hearing before the ULJ was whether Boysen was told, definitively, that he would be discharged.

Boysen thought he was told "definitively" by the chairperson and director that his contract would not be renewed but that he could "finish out the year." Conversely, the chairperson and director recalled the conversation differently. When the ULJ asked the chairperson if she told Boysen that he was not going to get renewed, she answered, "No. I simply gave him the courtesy to know ahead of time that we were going to be putting an agenda item out there for a superintendent search, in the future, if there was board support." And when the ULJ asked the director if they said anything "that would have indicated to

him that in fact the decision was made,” the director replied: “There was no comment made that was definitive regarding whether or not the decision was made.”

Shortly after the meeting, Boysen consulted with the Minnesota Association of School Administrators. Thereafter, Boysen drafted a resignation letter, which he emailed to each board member before the November 28, 2022 board meeting. He did this to “avoid . . . termination or non-renewal publicly” because he “knew . . . that [he] was not being renewed.” Accordingly, the board met to discuss Boysen’s resignation and subsequently accepted it.

Boysen continued to work for the remainder of the school year and ended his employment with ISD 2172 on June 30, 2023. Boysen subsequently established a benefit account with respondent Minnesota Department of Employment and Economic Development (DEED), and DEED issued a determination of eligibility, concluding that Boysen was eligible for unemployment benefits because he was discharged for reasons other than employment misconduct.

ISD 2172 challenged Boysen’s eligibility for unemployment benefits. Following an evidentiary hearing, the ULJ determined that Boysen was not definitively told that he would be discharged. Instead, the ULJ found the testimony of the chairperson and director more credible. Accordingly, the ULJ found that Boysen was ineligible for unemployment benefits because he quit employment with ISD 2172 and did not satisfy any exception for ineligibility.

Boysen filed a request for reconsideration, and the ULJ affirmed the original determination. This certiorari appeal follows.

DECISION

I. Substantial evidence supports the ULJ's determination that Boysen quit.

This court will affirm the decision by a ULJ unless “the substantial rights of the petitioner may have been prejudiced because the findings, inferences, conclusion, or decision” are affected by, among other things, an error of law or are unsupported by substantial evidence. Minn. Stat. § 268.105, subd. 7(d) (2022). We view the ULJ's factual findings “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) (quotations omitted). “Whether an employee has been discharged or voluntarily quit is a question of fact subject to our deference.” *Strassen v. Lone Mountain Truck Leasing, LLC*, 814 N.W.2d 25, 31 (Minn. App. 2012).

A person applying for unemployment benefits “who quit employment is ineligible for all unemployment benefits” unless an enumerated exception applies. Minn. Stat. § 268.095, subd. 1 (2022). “A quit from employment occurs when the decision to end the employment was, at the time the employment ended, the employee's.” *Id.*, subd. 2(a) (2022). An employee voluntarily quits when he exercises his free-will to leave or stop working. *See Seacrist v. City of Cottage Grove*, 344 N.W.2d 889, 891 (Minn. App. 1984).

To begin, the ULJ determined that “Boysen quit to avoid having a discharge on his record.” This determination is supported by the record. The chairperson and the director both testified that the decision to terminate Boysen's employment had not been made and that the board had not formally voted on the issue. Although Boysen testified that he was

told, definitively, that the decision to not renew his contract was already made, the ULJ found the chairperson's and the director's testimony on the issue more credible. It is well settled that we defer to the ULJ's credibility determinations. *See Skarhus v. Davanni's, Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006) (providing that this court defers to credibility determinations by the ULJ). Further, even if the board had come to a formal decision, Boysen concedes that he "resigned" from his employment, meaning the choice to leave employment was his own. *See* Minn. Stat. § 268.095, subd. 2(a). Thus, these facts, combined with Boysen's concession and the deference afforded to the ULJ's determination of credibility, demonstrate that the ULJ did not err in determining Boysen quit his employment.

II. The ULJ did not err by determining that Boysen did not meet any ineligibility exceptions when he quit.

Next, Boysen contends that the ULJ erred in concluding that he quit without good reason caused by his employer. Boysen argues that he "[r]esigned from employment to avoid termination or non-renewal of the three-year contract." Nevertheless, he requests that this court reverse the ULJ's decision. In response, DEED asserts that "[t]he law is settled on the question of quit in anticipation of discharge," and "that even being told of *certain* discharge in the future is not a good reason for quitting." DEED argues that Minnesota statutes and binding case law support its proposition.

Whether an applicant had a good reason to quit caused by the employer is a legal question, which this court reviews *de novo*. *Peppi v. Phyllis Wheatley Cmty. Ctr.*, 614 N.W.2d 750, 752 (Minn. App. 2000). An employee who voluntarily quits employment is

ineligible for unemployment benefits unless “the applicant quit the employment because of a good reason caused by the employer.” Minn. Stat. § 268.095, subd. 1(1). 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.” *Id.*, subd. 3(a) (2022). This statutory analysis “must be applied to the specific facts of each case.” *Id.*, subd. 3(b) (2022). “To compel is to cause or bring about by force, threats, or overwhelming pressure.” *Werner v. Med. Prof’ls, LLC*, 782 N.W.2d 840, 843 (Minn. App. 2010) (quotation omitted), *rev. denied* (Minn. Aug. 10, 2010).

This standard is an objective, reasonable-person standard, considering the conduct of an ordinary prudent person. *Id.* The standard applies “to the average man or woman, and not the supersensitive.” *Nichols v. Reliant Eng’g & Mfg.*, 720 N.W.2d 590, 597 (Minn. App. 2006) (quotation omitted). The circumstances causing an employee to quit with good cause “must be real, not imaginary, substantial not trifling, and reasonable, not whimsical; there must be some compulsion produced by extraneous and necessitous circumstances.” *Ferguson v. Dep’t of Emp. Servs.*, 247 N.W.2d 895, 900 n.5 (Minn. 1976) (quotation omitted).

“Notification of discharge in the future, including a layoff because of lack of work, is not a good reason caused by the employer for quitting.” Minn. Stat. § 268.095, subd. 3(e) (2022). An employee who resigns from employment to keep discharge from their record is not eligible for unemployment benefits. *See Ramirez v. Metro Waste Control Comm’n*,

340 N.W.2d 355, 357-58 (Minn. App. 1983). “[W]hen an employee chooses to leave the employment rather than have the employee’s employment status determined by a board or other ultimate discharge authority, it is a voluntary quit without good cause attributable to the employer.” *Bongiovanni v. Vanlor Invs.*, 370 N.W.2d 697, 699 (Minn. App. 1985).

In *Ramirez*, the employee was approached by his manager, who told him that he was seeking the employee’s discharge because of work performance issues. *Ramirez*, 340 N.W.2d at 356. Although the manager did not have the authority to discharge the employee, the employee knew that his employer would follow the manager’s recommendation. *Id.* Consequently, the employee submitted his resignation “so that [a discharge] wouldn’t look bad on [his] work record.” *Id.* We concluded that the employee’s resignation barred him from receiving unemployment benefits. *Id.* at 358.

The facts of *Ramirez* are similar to this case. Here, the ULJ found that Boysen was not told that he was being discharged. But Boysen had good reason to believe that he might face discharge in the future. Like the employee in *Ramirez*, Boysen submitted a resignation letter so that a discharge would not appear on his work record. Under *Ramirez*, Boysen’s resignation in anticipation of future discharge is not a good reason to quit caused by his employer. Moreover, even if ISD 2172 *had* come to a definitive conclusion that Boysen would be discharged, “notification of discharge in the future is not a good reason caused by the employer for quitting.” Minn. Stat. § 268.096, subd. 3(e). Accordingly, the ULJ did not err in determining that Boysen is ineligible for unemployment benefits.

Affirmed.