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

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-0146**

Dr. Edward Bello,
Relator,

vs.

University of Minnesota,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed September 15, 2025
Affirmed
Johnson, Judge**

Department of Employment and Economic Development
File No. 50662854-3

Timothy S. Christensen, Schaefer Halleen, L.L.C., Minneapolis, Minnesota (for relator)

Douglas R. Peterson, University of Minnesota, Minneapolis, Minnesota (for respondent employer)

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

Considered and decided by Worke, Presiding Judge; Johnson, Judge; and Reyes, Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

Edward Bello was employed by the University of Minnesota until he resigned his position. An unemployment law judge (ULJ) determined that he was ineligible for unemployment benefits because he did not quit for a good reason caused by his employer. We affirm.

FACTS

Bello was employed as a staff research scientist by the University of Minnesota in its neuromodulation research and technology laboratory from March 2021 to April 2024. He worked with a team of other research scientists and graduate students on projects that relied on research animals.

In November 2023, Bello began making negative reports about the workplace environment to his supervisor, Matthew Johnson, the principal investigator of the lab. Bello's reports focused on two co-workers: S.B., who was responsible for animal welfare, and P.P., a junior scientist who reported to S.B. Bello contemporaneously created a written record of 14 workplace incidents in a 101-page document. On appeal, he focuses on five incidents or issues.

First, in November 2023, Bello reported to Johnson that P.P. had publicly accused him of lax safety practices and that S.B. had threatened to report him to an external oversight body for "research misconduct" relating to abuse of research animals. Second, in December 2023, Bello experienced acute anxiety due to workplace issues and sought treatment and prescription medication at an urgent-care clinic. Third, also in December

2023, Bello reported to Johnson that, while he was performing surgery on a research animal, P.P. disobeyed his instructions, which caused him to reassign her tasks to another co-worker and caused her to leave the operating room. Fourth, in January 2024, Bello reported to Johnson that, before the lab was scheduled to be inspected, it was disorganized and “filthy” despite the fact that S.B. and P.P. had informed Bello that the lab was ready for the inspection, and Bello accused S.B. and P.P. of intentionally sabotaging the inspection so that Bello would be held responsible. Fifth, in March 2024, Bello reported to Johnson that, on approximately six occasions, he had found rolled-up wads of duct tape in his shoes, and he believed that either S.B. or P.P. or both were responsible.

In response to Bello’s complaints, Johnson took steps to ensure that P.P. did not work with Bello. Johnson also changed S.B.’s work schedule to minimize interaction between her and Bello. In addition, Johnson spoke with P.P. and S.B. in an attempt to resolve the disharmony.

In March 2024, Bello sent an e-mail message to Johnson to give notice of his resignation, effective in April 2024. In May 2024, Bello applied to the department of employment and economic development for unemployment benefits. The department made an initial determination that he was ineligible for benefits. He filed an administrative appeal of the initial determination. On two days in July and August of 2024, a ULJ conducted a hearing by telephone. Johnson and a human-resources representative testified on behalf of the university; Bello testified on his own behalf. After the hearing, the ULJ issued a written decision in which she found that Bello did not quit for a good reason caused by the employer. Accordingly, the ULJ determined that Bello was ineligible for

unemployment benefits. Bello requested reconsideration, but the ULJ affirmed the prior ruling. Bello appeals by way of a petition for a writ of certiorari.

DECISION

Bello argues that, for two reasons, the ULJ erred by determining that he was ineligible for unemployment benefits.

This court typically reviews a ULJ's decision denying benefits to determine whether the findings, inferences, conclusions, or decision are affected by an error of law or are "unsupported by substantial evidence in view of the hearing record." Minn. Stat. § 268.105, subd. 7(d)(4), (5) (2024). The evidentiary hearing is an evidence-gathering inquiry and is conducted without regard to any particular burden of proof. *See* Minn. Stat. § 268.105, subd. 1(b) (2024); Minn. R. 3310.2921. We view a ULJ's factual findings in the light most favorable to the ULJ's decision. *Skarhus v. Davanni's Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006). If the relevant facts are undisputed, we apply a *de novo* standard of review to the question whether an applicant is eligible for benefits. *Jenkins v. American Express Fin. Corp.*, 721 N.W.2d 286, 289 (Minn. 2006); *Menyweather v. Fedtech, Inc.*, 872 N.W.2d 543, 545 (Minn. App. 2015).

A. Credibility

Bello first argues that the ULJ erred in making credibility determinations.

"When the credibility of a witness testifying in a hearing has a significant effect on the outcome of a decision, the unemployment law judge must set out the reason for crediting or discrediting that testimony." Minn. Stat. § 268.105, subd. 1a(a) (2024). This court gives deference to a ULJ's credibility determinations, so long as the ULJ stated

reasons for the credibility determinations and “the evidence substantially sustains” those reasons. *Skarhus*, 721 N.W.2d at 344.

In this case, the ULJ found that Johnson’s testimony was credible because he was “clear and direct,” his testimony often was based on his first-hand experience, and he “described reasonable workplace operations and expectations.” In contrast, the ULJ found that Bello’s testimony was “less credible” because he “exaggerated and relied on perception instead of recalling words and actions taken in the workplace.” The ULJ provided two examples of Bello’s exaggerations and perceptions and stated, “The preponderance of the evidence supports that Bello perceived harassment, threats, or risks in the workplace that were not supported by actual events or actions.”

Bello challenges the ULJ’s credibility determinations on the ground that they are not supported by the record. Specifically, he challenges the ULJ’s statement that he “described being ‘admitted’ for mental-health reasons, suggesting an acute mental-health episode treated by hospitalization.” Bello contends that the ULJ’s finding is not supported by the record because he testified that he “checked [himself] into” an urgent-care facility, not that he was “admitted” to a facility. But the difference in meanings is very slight. Similarly, Bello challenges the ULJ’s statement that his professional reputation was at risk due to S.B.’s statement that she might make a report of noncompliance with state and federal regulations. But Johnson testified that an investigation into an animal-welfare report might or might not have a negative impact on Bello’s career and that he himself ultimately would be responsible for any animal-safety issues in his lab. At oral argument, the department identified other examples of Bello’s exaggerated language, such as his

report to Johnson that P.P. had “publicly denounce[ed]” him to describe statements she had made in an internal department meeting and his testimony that P.P. was “deliberately uncooperative in a very public way” during a surgical procedure that involved only a few co-workers. We conclude that the record supports the ULJ’s finding that Bello exaggerated relevant events.

Bello also challenges the ULJ’s assessment of Johnson’s credibility. Bello contends that the ULJ’s finding that Johnson’s testimony was credible is contradicted by the fact that, when Johnson forwarded Bello’s resignation e-mail to the university’s human-resources department, he redacted Bello’s summary of his complaints and mischaracterized the redacted material. When cross-examined by Bello’s attorney, Johnson admitted that he “maybe” should have forwarded the entire e-mail message, without redactions. The ULJ considered this issue on reconsideration and stated that Johnson’s redaction of Bello’s e-mail “does not change the outcome or show that testimony from the hearing was false or likely false.” Bello does not challenge the ULJ’s reasoning that Johnson testified in a “clear and direct” manner based on his first-hand experiences and that he described “reasonable workplace operations and expectations.” The ULJ’s determination that Johnson’s testimony was credible is supported by the record.

Thus, the ULJ did not err by finding Johnson’s testimony to be credible and Bello’s testimony to be “less credible.”

B. Reason for Quit

Bello also argues that the ULJ erred by finding that he did not quit for a good reason caused by the employer.

Unemployment benefits are paid only to persons who are “unemployed through no fault of their own.” *Stagg v. Vintage Place Inc.*, 796 N.W.2d 312, 315 (Minn. 2011) (quotation omitted). Accordingly, a person who quits employment generally is ineligible for unemployment benefits. Minn. Stat. § 268.095, subd. 1 (2024). But a person may be eligible for benefits despite having quit if one of several statutory exceptions applies. *Id.*, subd. 1(1)-(10).

One of the statutory exceptions to the quit rule is that “the applicant quit the employment because of a good reason caused by the employer.” *Id.*, 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). This exception to the quit rule requires a “standard of reasonableness as applied to the average man or woman, and not to the supersensitive.” *Werner v. Medical Professionals LLC*, 782 N.W.2d 840, 843 (Minn. App. 2010) (quotation omitted), *rev. denied* (Minn. Aug. 10, 2010). We apply a *de novo* standard of review to a ULJ’s determination that an applicant did not quit for a good reason caused by the employer. *Ward v. Delta Airlines*, 973 N.W.2d 649, 652 (Minn. App. 2022), *rev. denied* (Minn. June 21, 2022).

The ULJ found that Bello quit “because he was upset by Johnson’s action in response to his complaints.” The ULJ also found that S.B.’s job “required her to ensure ethical use of animal test subjects,” that “[q]uestioning Bello’s practices was within the scope of her job,” and that she “had no reason to plant expired materials for a lab inspection

because she would have been punished for a failed inspection.” The ULJ also found that “Johnson removed [P.P.] from working on Bello’s research.” The ULJ described the duct-tape incidents as “juvenile and annoying” but found that they “did not make the workplace unsafe or unproductive.” In light of these findings, the ULJ concluded that the workplace conditions were not adverse to Bello and that “[a]n average, reasonable worker would not quit and become unemployed rather than continuing to work while looking for another job that was a better fit.”

Bello contends that the ULJ erred because she “ignored” his evidence. To the contrary, the ULJ thoroughly and fairly discussed Bello’s evidence in her written decision. Furthermore, the ULJ’s factual findings are supported by the evidentiary record. Johnson testified that S.B.’s job required her to ensure ethical treatment of animal test subjects, which could include questioning a researcher’s animal-safety practices. Johnson also testified that S.B., not Bello, would have been held responsible for a failed lab inspection such that S.B. had no motive to cause such a failure and frame Bello for it. In addition, Johnson testified that he took steps to address Bello’s complaints, including separating him from S.B. and P.P. Johnson also spoke with P.P. and S.B. in an attempt to improve the workplace environment. Johnson communicated to all staff members in late March 2024 that the duct-tape incidents were “unacceptable.” On the whole, the university’s evidence depicted a different set of circumstances than Bello’s evidence, and the ULJ based her findings on the university’s evidence.

Bello cites two precedential opinions in support of his argument that he quit for a good reason caused by the employer. Both are distinguishable. In *Wetterhahn v. Kimm*

Co., 430 N.W.2d 4 (Minn. App. 1988), the applicant quit because a co-worker “continuously swore and yelled at her” and “exploded into temper tantrums all day long, usually directing his anger towards” the applicant. *Id.* at 5. The applicant repeatedly complained, but the employer did not cause the offensive co-worker to stop. *Id.* This court concluded that the applicant resigned with “good cause attributable to the employer” because the employer “failed to take adequate measures to protect Wetterhahn from harassment by her co-worker.” *Id.* at 6-7 (applying Minn. Stat. § 268.09, subd. 1(a) (Supp. 1987)). In *Nichols v. Reliant Engineering & Manufacturing, Inc.*, 720 N.W.2d 590 (Minn. App. 2006), the applicant quit her job after a co-worker swore at her, intentionally let doors close on her, drove a forklift close to her in a restricted zone, startled her by kicking open a door, and threatened to hit her with a large metal object. *Id.* at 592-93. The applicant complained to management on several occasions, but the employer’s response was ineffective. *Id.* This court concluded that the applicant quit for a good reason caused by the employer because the co-worker’s conduct, some of which “border[ed] on egregious,” and the employer’s failure to address the co-worker’s behavior would have compelled an average, reasonable employee to quit. *Id.* at 595-97.

The co-worker conduct that Bello reported to Johnson is very different from the co-worker conduct in *Wetterhahn* and *Nichols*. Bello did not report that his co-workers yelled or swore or threatened his physical safety. Also, the evidence shows that Johnson took action to prevent recurrences of the complained-of conduct. Bello’s reports are fairly similar to complaints in other cases in which applicants had personality conflicts with co-workers or simply were dissatisfied with some aspects of their jobs. *See Bongiovanni v.*

Vanlor Investments, 370 N.W.2d 697, 698 (Minn. App. 1985); *Portz v. Pipestone Skelgas*, 397 N.W.2d 12, 13 (Minn. App. 1986). Some of the incidents described by Bello are even less egregious than the incidents in *Bongiovanni* and *Portz* because they concern disagreements between co-workers about the work of the lab. We conclude that an average, reasonable worker in Bello's circumstances would not quit and become unemployed rather than remain employed and seek new employment. *See* Minn. Stat. § 268.095, subd. 3(a).

Thus, the ULJ did not err by finding that Bello did not quit for a good reason caused by the employer.

In sum, the ULJ did not err by concluding that Bello was not entitled to unemployment benefits.

Affirmed.