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Minn. Stat. § 480A.08, subd. 3 (2016).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-1027**

Lillian L. Morris,
Relator,

vs.

Unity Health Care,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed February 12, 2018
Affirmed
Smith, Tracy M., Judge**

Department of Employment and Economic Development
File No. 35549369

Lillian L. Morris, Kansas City, Missouri (pro se relator)

Unity Health Care, Minneapolis, Minnesota (respondent employer)

Lee B. Nelson, Craig M. Gustafson, Department of Employment and Economic
Development, St. Paul, Minnesota (for respondent department)

Considered and decided by Bjorkman, Presiding Judge; Rodenberg, Judge; and
Smith, Tracy M., Judge.

UNPUBLISHED OPINION

SMITH, TRACY M., Judge

In this unemployment-insurance appeal, relator Lillian Morris challenges the decision of an unemployment-law judge (ULJ) that she is ineligible for unemployment benefits. Morris contends that the ULJ erred in determining that she voluntarily quit without meeting any of the exceptions allowing individuals to quit their jobs and still obtain benefits. We affirm.

FACTS

Morris began working for respondent Unity Health Care in 2003. On January 2, 2017, Morris gave Unity notice that she was quitting to move to Kansas City, Missouri, in order to provide aid to an ill sister. After giving notice, Morris continued working at Unity through the end of March.

On April 5, Morris applied for unemployment benefits from respondent Minnesota Department of Employment and Economic Development (DEED). At the time Morris applied for benefits, she was looking for work in Missouri and willing to begin working immediately. On April 14, DEED determined that Morris is ineligible for benefits.

Morris appealed that determination, and a hearing was held before a ULJ on May 10. Morris and one of Unity's office managers testified. After the hearing, the ULJ confirmed the ineligibility determination. Morris filed a request for reconsideration, noting that her direct supervisor at Unity was "ok with [Morris] receiving . . . unemployment [benefits]" and requesting that the ULJ receive testimony from that supervisor. After considering Morris's request, the ULJ concluded that "it is unlikely that additional

testimony would change the outcome of the decision” because “Morris’ employer does not decide whether she is eligible for unemployment benefits,” and affirmed the prior ineligibility determination without hearing additional testimony.

This certiorari appeal follows.

D E C I S I O N

Morris argues that she never would have stopped working and moved had she known she would not receive unemployment benefits. However, Morris does not contest any of the ULJ’s factual findings. “If the relevant facts are not in dispute, we apply a *de novo* standard of review to the ULJ’s interpretation of the unemployment statutes and to the ultimate question whether an applicant is eligible to receive unemployment benefits.” *Menyweather v. Fedtech, Inc.*, 872 N.W.2d 543, 545 (Minn. App. 2015).

Unemployment benefits in Minnesota are governed by statute, and a right to benefits exists only if the employee meets the requirements of the statute. *See Wilson v. Mortg. Res. Ctr., Inc.*, 888 N.W.2d 452, 458 (Minn. 2016). Individuals who quit their employment are ineligible for unemployment benefits unless they fall within an exception to the general bar. Minn. Stat. § 268.095, subd. 1 (Supp. 2017). As relevant here, those exceptions include:

(1) the applicant quit the employment because of a good reason caused by the employer as defined in subdivision 3;

. . . .

(7) the applicant quit the employment . . . (ii) in order to provide necessary care because of the illness, injury, or disability of an *immediate family member* of the applicant.

Id., subd. 1(1), (7)(ii) (emphasis added). A reason is “caused by the employer” when it is a reason “directly related to the employment and for which the employer is responsible.” *Id.*, subd. 3(a)(1) (Supp. 2017). An “immediate family member” is defined as a “spouse, parent, stepparent, grandparent, son or daughter, stepson or stepdaughter, or grandson or granddaughter.” Minn. Stat. § 268.035, subd. 19a (2016).

Here, it is uncontested that Morris quit her employment. Therefore, Morris is eligible for benefits only if she meets one of the statutory exceptions to the general bar. Morris’s reason for quitting was because “[her] sister is having a kidney transplant.” This reason is neither “related to the employment” nor a reason “for which the employer is responsible.” Thus, Morris’s quitting does not fall within the “good cause” exception. *See* Minn. Stat. § 268.095, subd. 3(a)(1).

Turning to the “provide necessary care” exception, that exception would cover Morris only if sisters were within the scope of “immediate family member.” *See id.*, subd. 1(7)(ii). Although Morris’s situation is unfortunate, the legislature was explicit in its definition of an immediate family member, and sisters are not in that group. *See* Minn. Stat. § 268.035, subd. 19a. We therefore conclude that Morris does not fall within the “provide necessary care” exception, and the ULJ correctly determined that Morris is ineligible for unemployment benefits.

Affirmed.