

Prepare to contest restoring unemployment when employees quit soon after starting

When a worker receiving unemployment benefits accepts a job she isn't required to accept because it is "unsuitable" for her training, education or ability, she can quit within 30 days and regain unemployment benefits. But simply quitting because she thinks she is going to be discharged doesn't count.

Recent case: Robin, who had been receiving unemployment, took a part-time job at a nursing home. She asked for more shifts but was turned down because she would have wound up on a shift where she would have to dispense medication, a skill she didn't have.

Fearing she was going to be fired, she quit and reapplied for unemployment.

The nursing home argued she was not eligible because workers who quit before they are terminated don't fit an exception to the rule that quitting without good cause means no eligibility. Robin argued that she had accepted an unsuitable job and therefore could quit and get benefits.

The court sided with the employer, concluding that Robin would have had to quit earlier and hadn't proven the job she took was unsuitable. (*Anderson v. Hazelden*, Court of Appeals of Minnesota, 2017)

Final note: The court explained that taking a job outside one's skills might be encouraged as a way for workers to get back to work quickly. It said those workers shouldn't be punished for trying something new, and therefore would again be eligible for benefits. However, that wasn't Robin's situation.