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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A11-1055**

Betty J. Allen,
Relator,

vs.

Resource, Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed February 21, 2012
Affirmed
Worke, Judge**

Department of Employment and Economic Development
File No. 27126379-3

Marcus A. Jarvis, Jarvis & Associates, LLC, Burnsville, Minnesota; and

Erbayne W. Jarvis, Magdalena Metelska, Brooklyn Park, Minnesota (for relator)

Resource, Inc., c/o TALX UCM Services, Inc., St. Louis, Missouri (respondent employer)

Lee B. Nelson, Amy R. Lawler, Department of Employment and Economic Development, St. Paul, Minnesota (for respondent department)

Considered and decided by Worke, Presiding Judge; Connolly, Judge; and
Randall, Judge.*

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

UNPUBLISHED OPINION

WORKE, Judge

Relator challenges the decision of an unemployment-law judge (ULJ) declaring her ineligible to receive unemployment benefits, arguing that the ULJ failed to conduct a fair hearing. We affirm.

DECISION

Relator Betty J. Allen quit her employment at respondent Resource, Inc. due to medical reasons without first requesting reasonable accommodations from her employer; accordingly, was declared ineligible to receive unemployment benefits. *See* Minn. Stat. § 268.095, subd. 1(7) (2010) (stating that an applicant is ineligible to receive unemployment benefits if the applicant quit employment due to a medical reason without first requesting reasonable accommodations). Relator now argues that she did not receive a fair hearing. In a fair hearing, the ULJ fully develops the record, assists unrepresented persons in presenting evidence, and explains the procedure of and the terms used throughout the hearing. Minn. Stat. § 268.105, subd. 1(b) (2010); Minn. R. 3310.2921 (2011). A hearing is generally considered fair if both parties are afforded the opportunity to give statements, cross-examine witnesses, and offer and object to exhibits. *Ywswf v. Teleplan Wireless Servs., Inc.*, 726 N.W.2d 525, 529-30 (Minn. App. 2007). When reviewing the decision of a ULJ, we may affirm the decision, remand for further proceedings, or reverse or modify the decision if the substantial rights of the relator have been prejudiced. Minn. Stat. § 268.105, subd. 7(d) (2010).

Relator argues that the ULJ failed to conduct a fair hearing because the ULJ did not inform her that she could submit documents after the hearing and then refused to grant an additional evidentiary hearing to consider the documents within relator's request for reconsideration. This argument is unavailing. Relator was granted a continuance, per her request, on the originally scheduled hearing date. Despite receiving an additional two weeks to prepare, relator failed to provide any documentation supporting her claim at the hearing and told the ULJ that she had nothing to submit on her behalf.

Regarding the materials submitted with relator's request for reconsideration, a ULJ is required to order an additional evidentiary hearing only if a party shows that evidence not submitted at the original hearing would likely change the outcome of the case and that she had good cause for not submitting that evidence earlier. Minn. Stat. § 268.105, subd. 2(c) (2010). Relator's documents purported to prove that she requested reasonable accommodations prior to quitting her employment. The ULJ concluded that relator's documents would not have modified the outcome of the proceedings; the documents were contradicted by the testimony presented by the employer that relator failed to request any medical accommodation prior to submitting her resignation, and the ULJ determined that this testimony was credible. Credibility determinations are the exclusive province of the ULJ. *Skarhus v. Davanni's Inc.*, 721 N.W.2d 340, 345 (Minn. App. 2006). Accordingly, the ULJ appropriately denied relator's request for reconsideration. *See Ywswf*, 726 N.W.2d at 533 (stating that this court defers to a ULJ's decision not to hold an evidentiary hearing).

Because relator failed to provide documentation supporting her claim that she requested reasonable accommodations prior to resignation despite ample opportunity to do so, and because the ULJ appropriately denied relator's reconsideration request, we conclude that relator received a fair hearing.

Affirmed.