

*This opinion will be unpublished and
may not be cited except as provided by
Minn. Stat. § 480A.08, subd. 3 (2012).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A12-2198**

Lul Ahmed,
Relator,

vs.

Mankato Rehabilitation Center, Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed September 3, 2013
Affirmed
Toussaint, Judge ***

Department of Employment and Economic Development
File Nos. 29931491-3; 30129780-3

Lul Ahmed, Mankato, Minnesota (pro se relator)

Mankato Rehabilitation Center, Inc., Mankato, Minnesota (respondent employer)

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

Considered and decided by Stoneburner, Presiding Judge; Peterson, Judge; and
Toussaint, Judge.

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

UNPUBLISHED OPINION

TOUSSAINT, Judge

Relator challenges the determination by the unemployment-law judge (ULJ) that she fraudulently claimed unemployment benefits to which she was not entitled and must repay the overpayment and a fraud penalty. We affirm.

DECISION

“Any applicant who receives unemployment benefits by knowingly misrepresenting, misstating, or failing to disclose any material fact, or who makes a false statement or representation without a good faith belief as to the correctness of the statement or representation, has committed fraud.” Minn. Stat. § 268.18, subd. 2(a) (2012). Whether an applicant knowingly misrepresented material facts while requesting benefits is a question of fact. *Burnevik v. Dep’t of Econ. Sec.*, 367 N.W.2d 681, 683 (Minn. App. 1985). We review the ULJ’s factual findings in the light most favorable to the decision. *Stagg v. Vintage Place Inc.*, 796 N.W.2d 312, 315 (Minn. 2011). We “will not disturb the ULJ’s factual findings when the evidence substantially sustains them.” *Rowan v. Dream It, Inc.*, 812 N.W.2d 879, 882 (Minn. App. 2012) (quotation omitted). Credibility determinations are the “exclusive province of the ULJ and will not be disturbed on appeal.” *Skarhus v. Davanni’s Inc.*, 721 N.W.2d 340, 345 (Minn. App. 2006).

The ULJ determined that relator Lul Ahmed obtained benefits to which she was not entitled by underreporting her hours and earnings at respondent Mankato Rehabilitation Center between April 1 and June 16, 2012, without a good faith belief as

to the correctness of her reports. Ahmed does not dispute that she misreported her hours and earnings and received unemployment benefits to which she was not entitled. She challenges only the ULJ's finding that she obtained the benefits by fraud. She asserts that she is an honest person but was under a lot of stress during the time in question and working more hours for Mankato Rehabilitation Center than she was getting paid for, which caused her to inadvertently misreport her hours and earnings to DEED. Ahmed presented this same explanation to the ULJ, and the ULJ found it not credible. The ULJ found that Ahmed regularly worked at least 30 hours per week and received the same hourly wage on each paycheck, so there was no good faith basis for Ahmed to report earnings of less than half what she was paid. We will not disturb that credibility determination. *See id.*; *Burnevik*, 367 N.W.2d at 683. Accordingly, we conclude the ULJ properly determined that Ahmed must repay the overpayment and the 40% fraud penalty.

Affirmed.