This opinion will be unpublished and may not be cited except as provided by Minn. Stat. § 480A.08, subd. 3 (2016).

STATE OF MINNESOTA
IN COURT OF APPEALS
A17-0430

Neil Hoven,
Relator,

vs.

Henning Construction, Inc.,
Respondent,
Department of Employment and Economic Development,
Respondent.

Filed August 28, 2017
Affirmed
Reyes, Judge

Department of Employment and Economic Development
File No. 35136742-3

Neil Hoven, Luverne, Minnesota (pro se relator)

Henning Construction, Inc., Adrian, Minnesota (respondent employer)

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

Considered and decided by Reyes, Presiding Judge; Reilly, Judge; and Jesson, Judge.

U N P U B L I S H E D   O P I N I O N

REYES, Judge

In this certiorari appeal from an unemployment-benefits determination, relator challenges the application of Minn. Stat. § 268.085, subd. 9 (2016), to limit his unemployment benefits to five weeks. We affirm.

FACTS

The facts of this case are not in dispute. Respondent Henning Construction Inc. (Henning) had employed relator Neil Hoven as a seasonal truck driver since May 2014. Relator's son owns a 25% interest in Henning. After being laid off in November 2016, relator applied for unemployment benefits. Relator worked less than 16 calendar quarters at Henning.

Respondent Minnesota Department of Employment and Economic Development (DEED) determined that, under Minn. Stat. § 268.085, subd. 9, relator was only eligible for five weeks of benefits because relator's son owns or controls an interest in Henning of 25% or more. In addition, DEED further determined that relator did not qualify for the exception presented in subdivision 9, which applies when the employee earned $7,500 or more in each of the previous 16 calendar quarters.

Relator appealed DEED's decision to an unemployment law judge (ULJ), who held an evidentiary hearing at which relator testified. Following this hearing, the ULJ issued its findings of fact and decision, concluding that relator was limited to five weeks of benefits because his son owns 25% of Henning, and relator did not earn $7,500 or more in each of the previous 16 calendar quarters. Relator requested reconsideration, and the ULJ affirmed his prior decision. Relator appeals by writ of certiorari.

D E C I S I O N

Relator argues that, because he does not own or control Henning, the ULJ erroneously concluded that that he was limited to five weeks of benefits under Minn. Stat. § 268.085, subd. 9(a)(2). We disagree.

We review an unemployment-benefits decision to determine whether a party's substantial rights were prejudiced and may alter the decision only if, among other reasons, the decision is affected by an error of law. Minn. Stat. § 268.105, subd. 7(d) (2016). The ULJ's interpretation of an unemployment-insurance statute is a question of law subject to de novo review. *See Bukkuri v. Dep't of Emp't & Econ. Dev.*, 729 N.W.2d 20, 21 (Minn. App. 2007). "Where the legislature's intent is clearly discernable from plain and unambiguous language, statutory construction is neither necessary nor permitted and courts apply the statute's plain meaning." *Am. Tower, L.P. v. City of Grant*, 636 N.W.2d 309, 312 (Minn. 2001).

Relator's argument is directly contradicted by Minn. Stat. § 268.085, subd. 9(a), which limits unemployment-benefits eligibility for applicants who are related to owners of the business that employed them:

> Wage credits from an employer may not be used for unemployment benefit purposes by any applicant who:
>
> . . . .

> (2) is the spouse, *parent*, or minor child of any individual who owns or controls directly or indirectly 25 percent or more interest in the employer.
>
> This subdivision is effective when the applicant has been paid five times the applicant's weekly unemployment benefit amount in the current benefit year. This subdivision does not apply if the applicant had wages paid in covered employment of $7,500 or more from the employer covered by this subdivision *in each of the 16 calendar quarters prior to the effective date of the benefit account* . . . .

(Emphasis added.) Because it is undisputed that relator's son owns 25% of Henning and that relator did not work and receive wages in each of the preceding 16 calendar quarters in order to meet the statutory exception, the ULJ did not err by concluding that, under this statute's plain meaning, relator was limited to five weeks of unemployment benefits.[1]

Affirmed.

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[1] Relator also claims that "[t]his statute is unconstitutional as it discriminates against [him for] being a father of an adult son who owns 25% of the company." This statement is not accompanied by any clarification, constitutional analysis, or citation to legal authority. Accordingly, we decline to address this issue. *See, e.g., Ganguli v. Univ. of Minn.*, 512 N.W.2d 918, 919 n.1 (Minn. App. 1994) (declining to address issue in absence of legal analysis or citation).