

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1379**

Steven A. Franklin,
Relator,

vs.

C&C Logistics, LLC,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed June 1, 2026
Affirmed
Cleary, Judge***

Department of Employment and Economic Development
File No. 51466760-3

Steven A. Franklin, New Hope, Minnesota (pro se relator)

C&C Logistics, Maple Grove, Minnesota (respondent employer)

Melannie M. Markham, Keri A. Phillips, Department of Employment and Economic
Development, St. Paul, Minnesota (for respondent department)

Considered and decided by Cochran, Presiding Judge; Rasmusson, Judge; and
Cleary, Judge.

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

NONPRECEDENTIAL OPINION

CLEARY, Judge

Relator challenges determinations by an unemployment-law judge (ULJ) that he failed to demonstrate good cause for not appearing at a hearing and that he was ineligible for unemployment benefits. We affirm.

FACTS

Relator Steven A. Franklin worked as a full-time delivery associate for respondent C&C Logistics LLC, a delivery service provider for Amazon, beginning in May of 2024. He delivered packages according to an assigned route. His employment with C&C ended on December 28, 2024, and he sought unemployment benefits. Respondent Department of Employment and Economic Development (DEED) initially determined that Franklin was eligible for unemployment benefits. C&C appealed that determination.

In April 2025, a ULJ held an evidentiary hearing. At the beginning of the hearing, the ULJ called Franklin multiple times using the phone number on file but was unable to reach him. The ULJ took testimony from C&C's operations and human-resources managers. The operations manager testified that Franklin quit his employment. She testified that on December 27, 2024, Franklin requested that he not be assigned a route because he had personal business, and his request was denied. She testified that Franklin ultimately refused to complete his route because his hand was hurting, and she interpreted his actions as "quitting" and believed his alleged hand injury was merely an excuse. She testified that Franklin had never mentioned a hand injury prior to that day.

On April 8, the ULJ issued an order determining that Franklin was ineligible for benefits. The ULJ found that “it is more likely than not that Franklin quit to handle his personal business and not due to an injury.” Franklin requested reconsideration of the ULJ’s determination. He included, as an attachment, his phone records showing no calls from the ULJ on the day of the hearing, as well as a timecard and pictures, including one of his hands.

The ULJ issued an order denying Franklin’s reconsideration request and affirming the April 8 order. The ULJ noted Franklin’s evidence that the ULJ never called him on the day of the hearing, but the ULJ found that Franklin had provided the incorrect number and failed to correct the error until the day after the hearing. The ULJ therefore determined that “Franklin does not have good cause for failing to participate in the hearing.”

Franklin appeals.

DECISION

I.

Franklin challenges the denial of his reconsideration request. He argues that on the day of the hearing he “fell ill” and had “short notice,” and after receiving a message from DEED the day after the hearing, he called DEED. He suggests that he had previously given them an incorrect phone number. He asserts that this was “a good faith error.”

An employer may appeal an initial determination of eligibility for an employee’s unemployment benefits and proceed to an evidentiary hearing with a ULJ. Minn. Stat. § 268.105, subd. 1(a) (2024); *see* Minn. Stat. § 268.101, subd. 2(f) (2024) (“A determination of eligibility . . . is final unless an appeal is filed by the . . . employer . . .”).

The benefits applicant is required to personally participate in the evidentiary hearing. Minn. Stat. § 268.105, subd. 1a(b) (2024). Here, Franklin failed to appear, and the ULJ determined, based on the evidence presented, that he had quit his employment and was not eligible for benefits.

Franklin then requested a new hearing and submitted evidence, specifically, a timecard, call logs, and pictures, including one of his hands. A party may request reconsideration of a ULJ's decision. *Id.*, subd. 2(a) (2024). This permits the ULJ "to correct any factual or legal mistake in the decision, or to order an additional hearing when appropriate." *Id.*, subd. 2(b)(1) (2024). The ULJ, in deciding a request for reconsideration, must not consider evidence that was not submitted at the initial hearing, "except for purposes of determining whether to order an additional hearing." *Id.*, subd. 2(c) (2024).

The ULJ must hold an additional hearing if a party shows new evidence that "(1) would likely change the outcome of the decision and there was good cause for not having previously submitted that evidence," or "(2) would show that the evidence that was submitted at the hearing was likely false and that the likely false evidence had an effect on the outcome of the decision." *Id.* "Good cause" is defined as "a reason that would have prevented a reasonable person acting with due diligence from submitting the evidence." *Id.*

If the party who filed the reconsideration request failed to participate in the initial hearing, "the unemployment law judge must issue an order setting aside the decision and ordering an additional hearing if the party who failed to participate had good cause for failing to do so." *Id.*, subd. 2(d) (2024). We review the decision to deny an additional

evidentiary hearing to a relator who failed to participate for abuse of discretion. *Petracek v. Univ. of Minn.*, 780 N.W.2d 927, 929 (Minn. App. 2010).

Here, the record supports the ULJ's determination that Franklin failed to provide good cause for not appearing at the evidentiary hearing. As found by the ULJ, a reasonable person acting with due diligence would have contacted DEED on the day of the scheduled hearing after not receiving a call. Franklin failed to do so. As for Franklin's claims to this court that he failed to appear because he fell ill and had short notice, he failed to raise these issues in his reconsideration request, the ULJ did not address these claims, and we therefore need not address them. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (stating that an appellate court will not consider matters not argued to and considered by the district court); *Peterson v. Ne. Bank-Minneapolis*, 805 N.W.2d 878, 883 (Minn. App. 2011) ("[B]ecause this issue was not raised before the ULJ, it is not properly before this court on review."). The ULJ did not abuse its discretion by determining that Franklin failed to show good cause.

We question whether Franklin was permitted to submit additional evidence with his reconsideration request. *See* Minn. Stat. § 268.105, subd. 2(d) (indicating that the sole issue is whether the party that failed to appear had good cause). Even presuming that Franklin was permitted to submit additional evidence, he failed to submit any evidence with his reconsideration request to show that the evidence relied upon by the ULJ was both "likely false" and affected the ULJ's decision. *See id.*, subd. 2(c). The ULJ therefore did not abuse its discretion by declining to grant an additional hearing on this ground.

We afford “deference to a ULJ’s decision not to hold an additional hearing.” *Skarhus v. Davanni’s Inc.*, 721 N.W.2d 340, 345 (Minn. App. 2006). The ULJ did not abuse its discretion by declining to hold one here.

II.

Franklin also challenges the ULJ’s April 8 determination that he is ineligible for benefits. He argues that there is insufficient evidence to support a determination of “misconduct”¹ and that, instead, “medical evidence” supports his assertion that he was unable to work.

When reviewing a ULJ’s decision, we may affirm the decision or remand for further proceedings. Minn. Stat. § 268.105, subd. 7(d) (2024). We may also reverse or modify the decision if the appellant’s substantial rights were prejudiced because the decision was in violation of the constitution, in excess of the ULJ’s statutory authority, based on an unlawful procedure, affected by an error of law, unsupported by substantial evidence, or arbitrary or capricious. *Id.* “Whether an employee has been discharged or voluntarily quit is a question of fact.” *Midland Elec., Inc. v. Johnson*, 372 N.W.2d 810, 812 (Minn. App. 1985). Factual findings are not disturbed if the evidence reasonably tends to sustain them. *Schmidgall v. Filmtec Corp.*, 644 N.W.2d 801, 804 (Minn. 2002). The issue of whether the applicant quit employment because of a reason that is an exception to

¹ The ULJ determined that Franklin quit. We therefore question the relevance of his misconduct argument. *See* Minn. Stat. § 268.095 (2024) (indicating that a “quit” and a “discharge” based on misconduct are separate bases for ineligibility).

ineligibility under the statute is a question of law that we review de novo. *Peppi v. Phyllis Wheatley Cmty. Ctr.*, 614 N.W.2d 750, 752 (Minn. App. 2000).

An unemployment benefits applicant who quits employment is ineligible for benefits unless an exception applies. Minn. Stat. § 268.095, subd. 1. One exception is that an applicant remains eligible if “the applicant’s serious illness or injury made it medically necessary that the applicant quit,” so long as “the applicant informs the employer of the medical problem and requests accommodation and no reasonable accommodation is made available.” *Id.*, subd. 1(7).

Here, the ULJ found that Franklin quit his employment “because he had personal business to handle,” and “[i]t was not medically necessary for Franklin to quit.” We review the ULJ’s factual findings in the light most favorable to the decision and will not disturb those findings as long as there is evidence in the record that reasonably tends to sustain them. *Wilson v. Mortg. Res. Ctr., Inc.*, 888 N.W.2d 452, 460 (Minn. 2016).

The record supports the ULJ’s findings. The operations manager testified that on the day Franklin quit, he asked not to be assigned a route because of “personal business” and “something personal,” and the operations manager told him that he needed to complete his route. The operations manager testified that, after Franklin went on his route, he called and said, “an emergency came up,” and he later called and said that his hand was hurting. The operations manager testified that Franklin had never previously mentioned that his hand was hurting, and she believed that he was simply making up an excuse to not work. The ULJ found the testimony of the operations manager to be credible. “Credibility determinations are the exclusive province of the ULJ and will not be disturbed on appeal.”

Bangtson v. Allina Med. Grp., 766 N.W.2d 328, 332 (Minn. App. 2009) (quotation omitted). In sum, the ULJ did not err in determining that Franklin quit and was ineligible for benefits.

In his brief to this court, Franklin points to “medical evidence” that he offered in his motion for reconsideration. But even presuming that Franklin was permitted to submit additional evidence,² the ULJ was not permitted to consider that evidence “except for purposes of determining whether to order an additional hearing.” Minn. Stat. § 268.105, subd. 2(c). For the reasons discussed above, the ULJ did not err by determining that an additional hearing was not warranted. Franklin also argues that he was unable to perform his job duties due to his hand injury. But the ULJ made a credibility determination and ruled otherwise, and we may not reweigh evidence on review. *Whitehead v. Moonlight Nursing Care*, 529 N.W.2d 350, 352 (Minn. App. 1995). In sum, we see no grounds for reversal.

Affirmed.

² Again, we question whether Franklin was permitted to submit additional evidence. *See* Minn. Stat. § 268.105, subd. 2(d).