

*This opinion is nonprecedential except as provided by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
A25-1560**

Muktar M. Mahdi,
Relator,

vs.

Universal Protection Service, LLC,
Respondent,

Department of Employment and Economic Development,
Respondent.

**Filed June 29, 2026
Affirmed
Worke, Judge**

Department of Employment and Economic Development
File No. 51651206-3

Muktar M. Mahdi, Minneapolis, Minnesota (pro se relator)

Universal Protection Service, LLC, Bloomington, Minnesota (respondent employer)

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

Considered and decided by Connolly, Presiding Judge; Worke, Judge; and Ede,
Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

Relator challenges the determination of an unemployment-law judge (ULJ) that relator was ineligible for unemployment benefits because he was discharged for the employment misconduct of falsifying his work hours. We affirm.

FACTS

In January 2024, relator Muktar M. Mahdi began working as a security professional for respondent employer Universal Protection Service, LLC. The employer assigned Mahdi a client site through the University of Minnesota and assigned Mahdi to work 4:00 p.m. to 9:00 p.m. However, the client’s site closed at 8:00 p.m. When the client realized that Mahdi was not clocking out at 8:00 p.m. when all employees left the site, it reported the issue to the employer. The employer discharged Mahdi for “time fraud.”

Mahdi established an account with respondent Department of Employment and Economic Development (DEED). Mahdi claimed that he had been “laid off” because “the client . . . took away the contract between them and [the employer] so they let [everyone] go.” DEED issued a determination of eligibility. The employer appealed.

A ULJ held a hearing. The employer’s representatives testified about how employees track their hours in a system that automatically signs everyone out at 8:00 p.m. In order to clock out later than 8:00 p.m., an employee would have to intentionally clock out. Additionally, during the “lockup procedure . . . the alarm is set, the doors are locked with the key,” and the “keys are put into a lockbox that is outside the building, and then everyone leaves together [so] as to not set off any alarm.”

Mahdi testified that the site closed at 8:00 p.m., but, as a security guard, he could not leave until 9:00 p.m. when his scheduled shift ended. The ULJ referenced an email from the Director of Administrative Operations at the University of Minnesota that stated that the system will automatically sign everyone out at 8:00 p.m. unless someone signed themselves out. The ULJ stated: “So it sounds like . . . there is no work or that everything closes by 8 [p.m]. So what work could you be doing if everything is closed at 8 [p.m.]?” Mahdi stated that he was “still watching the cameras” because he was told to remain at his podium until 9:00 p.m. But one of the employer’s representatives testified that he never told Mahdi to stay after 8:00 p.m. He also stated that “[t]his is [Mahdi’s] third site to be removed from for similar behavior.”

The ULJ decided that Mahdi was discharged for employment misconduct and was ineligible for unemployment benefits. The decision was based on the ULJ finding that Mahdi clocked out at 9:00 p.m. even though he “knew that he did not perform any work after 8:00 p.m.” The ULJ’s findings were based on “the most likely sequence of events.” The ULJ found the employer’s representatives to be credible because their testimony was “logical, detailed, based on first-hand knowledge, and support[ed] by contemporaneous business records.” The ULJ gave Mahdi’s testimony “limited weight because it was illogical, undermined by the contemporaneous business records, and consistent with failing to provide truthful or accurate information to [DEED in] his written responses.” The ULJ stated that Mahdi’s decision to report to DEED that he was laid off because the contract between the employer and client terminated showed that he withheld “facts that were against his interest” and called into question his overall credibility.

Mahdi requested reconsideration, arguing that the ULJ's decision included factual errors and omitted evidence that disproved the employer's claims. Mahdi suggested that the ULJ should have viewed security footage or asked witnesses to confirm his version of events. Mahdi submitted a statement from a former coworker stating that he was willing to confirm that Mahdi "completed his shifts until the time he was scheduled to leave."

The ULJ affirmed the decision. The ULJ considered Mahdi's request to subpoena security footage and witnesses but declined to do so because "the preponderance of the evidence supported the employer's version of events."

This certiorari appeal followed.

DECISION

Mahdi argues that the ULJ erred in determining that he committed employment misconduct. This court may remand, reverse, or modify a ULJ's decision "if the substantial rights of the petitioner" were prejudiced because the ULJ's decision was, as pertinent here, "affected by [an] error of law," or was "unsupported by substantial evidence in view of the hearing record as submitted." Minn. Stat. § 268.105, subd. 7(d) (2024). A ULJ's decision is supported by substantial evidence when it is based on "(1) such relevant evidence as a reasonable mind might accept as adequate to support a conclusion; (2) more than a scintilla of evidence; (3) more than some evidence; (4) more than any evidence; or (5) the evidence considered in its entirety." *Dourney v. CMAK Corp.*, 796 N.W.2d 537, 539 (Minn. App. 2011) (quotation omitted).

Employees discharged for misconduct are "ineligible for all unemployment benefits." Minn. Stat. § 268.095, subd. 4 (2024). Misconduct is "any intentional,

negligent, or indifferent conduct, on the job or off the job, that is a serious violation of the standards of behavior the employer has the right to reasonably expect of the employee.” *Id.*, subd. 6(a) (2024).

“Whether an employee engaged in conduct that [makes] the employee [ineligible for] unemployment benefits is a mixed question of fact and law.” *Schmidgall v. FilmTec Corp.*, 644 N.W.2d 801, 804 (Minn. 2002). Whether the employee engaged in certain conduct is a question of fact. *Lawrence v. Ratzlaff Motor Express Inc.*, 785 N.W.2d 819, 822 (Minn. App. 2010), *rev. denied* (Minn. Sept. 29, 2010). We view the ULJ’s factual findings “in the light most favorable to the decision, [and] giv[e] deference to the [ULJ’s] credibility determinations.” *Id.* Whether the conduct in which the employee engaged is employment misconduct is a question of law reviewed de novo. *Id.*

Mahdi does not challenge the ULJ’s finding that he clocked out at 9:00 p.m. when the site closed at 8:00 p.m. Rather, he argues that he did not engage in employment misconduct because he did not intentionally falsify his hours. We must decide whether substantial evidence supports the ULJ finding that Mahdi intentionally clocked out an hour after the site closed.

“As a general rule, refusing to abide by an employer’s reasonable policies and requests amounts to disqualifying misconduct.” *Schmidgall*, 644 N.W.2d at 804. More specifically, failure to abide by an employer’s timecard policy and falsely reporting time worked may constitute employment misconduct. *Ruzynski v. Cub Foods, Inc.*, 378 N.W.2d 660, 662-63 (Minn. App. 1985) (concluding that employee who left work at 9:50 p.m. but signed out at 10:00 p.m. without approval engaged in employment misconduct). Similar

to Mahdi's argument, the employee in *Ruzynski* argued that he did not knowingly violate his employer's timecard policy. *Id.* at 662. The decision-maker in that case determined that the employer's representative credibly testified that the policy had been explained to the employee. *Id.* at 663. The employee claimed to have not understood the policy, but the record showed that the employee had been previously suspended for the same reason. *Id.* The decision-maker did not find the employee to be credible. *Id.*

Here, the testimony and the documents in the record belie Mahdi's assertion that his falsification was unintentional. The employer's representatives testified that Mahdi would be automatically clocked out at 8:00 p.m.; Mahdi would have to manually adjust the clock-out time to 9:00 p.m. An employer's representative also testified that, when he discharged Mahdi, he told Mahdi that he was being discharged for "[s]everal instances of time fraud and several reports of not being at the front desk for hours. [And] [t]his is [Mahdi's] third site to be removed from for similar behavior."

The ULJ found the employer's representatives credible and found Mahdi to not 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). Because we will not interfere with the ULJ's credibility determinations, and because there is sufficient evidence in the record to support the ULJ's finding that Mahdi intentionally clocked out at 9:00 p.m. instead of 8:00 p.m., the ULJ did not err by deciding that Mahdi engaged in employment misconduct that made him ineligible for unemployment benefits.

Affirmed.