

*This opinion is nonprecedential except as provided by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
A25-2028**

Heidi Long,
Relator,

vs.

PM Staffing, Inc.,
Respondent,

Department of Employment and Economic Development,
Respondent.

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

Department of Employment and Economic Development,
File No. 52142391-3

Heidi Long, Detroit Lakes, Minnesota (pro se relator)

PM Staffing, Inc., Detroit Lakes, 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 Connolly, Presiding Judge; Worke, Judge; and Ede,
Judge.

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Relator challenges the determination of an unemployment-law judge (ULJ) that she
was ineligible for unemployment benefits because she was discharged for the employment

misconduct of withholding from her employer information about a criminal charge against her when she interviewed for her position. We affirm.

FACTS

In May 2024, relator Heidi Long began working for respondent PM Staffing Inc. as a benefits assistant. About a year later, in the summer of 2025, Long pleaded guilty to a felony-theft offense that occurred in October 2023. Long was then discharged from her employment with PM Staffing for failing to disclose that she had a pending financial criminal charge against her at the time she was hired.

Long applied for unemployment benefits with respondent Minnesota Department of Employment and Economic Development (the department), and the department issued a determination of ineligibility stating that Long was not eligible for unemployment benefits because she had been discharged because of employment misconduct. Long appealed that determination and a de novo hearing was conducted.

At the hearing, the Director of Operations (director) and a Benefits Manager (manager), both employees of PM Staffing, testified for the employer. The director testified that she interviewed Long twice for the position at PM Staffing. The director also testified that, in “all interviews,” including Long’s interviews, “we go through the same process,” which included asking Long if there was “anything [in her] criminal history, pending, past, or present.” According to the director, Long replied “no,” after which the director informed Long that they “cannot hire anybody with . . . financial crimes, embezzlement, or identify theft” due to the nature of the PM Staffing’s operations. The director stated that Long again “[c]onfirmed no,” and they moved on to the next question.

The manager, who testified that she was present for the second interview with Long, confirmed that the questions asked by the director are “routinely” asked in interviews and were asked in the interview with Long at which the manager was present.

The director testified that Long was hired on May 15, 2024, but that on August 22, 2025, PM Staffing was informed that Long had been “convicted of felony-level theft greater than \$5,000.00 with a party that maintains relations with us in a business capacity.” The director stated that Long was then discharged for “employment misconduct, falsification of her application.”

Long admitted that she pleaded guilty in June 2025 for an offense she committed on October 4, 2023. Long also acknowledged that she was charged with felony theft on May 14, 2024, and that she had her first court appearance related to the criminal case on June 13, 2024. But according to Long, she “did not know about” the charge on the day she was hired by PM Staffing and claimed she “was kind of coerced into” accepting the plea. And although Long acknowledged that she never updated PM Staffing with information related to the pending criminal charge, Long claimed that she “did not think anything of it,” and believed that it “wasn’t even going to amount to anything.” In fact, Long claimed that she did not recall being asked about pending criminal charges in her interviews.

Following the hearing, the ULJ found that Long “knew at the time of [her] interview that she had committed a financial crime,” and that she “knew at the time of the interview or shortly thereafter that she had been charged with felony theft.” The ULJ also found that, although Long “knew PM Staffing would not permit her to work there if she had a pending financial charge,” Long decided to “withhold this information from PM Staffing.” The

ULJ determined that Long’s “actions constituted employment misconduct” because her “actions during and immediately after the hiring process were deceptive and showed a serious violation of the standards of behavior the employer has a right to reasonably expect of the employee.” The ULJ concluded that Long was ineligible for unemployment benefits.

Long requested reconsideration of the ULJ’s decision. In a written decision, the ULJ affirmed the decision. This certiorari appeal follows.

DECISION

Long challenges the ULJ’s decision that she is ineligible for unemployment benefits because she was discharged for employment misconduct. “Employment misconduct means 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.” Minn. Stat. § 268.095, subd. 6(a) (2024). An employee who is discharged for employment misconduct is ineligible for unemployment benefits. *Id.*, subd. 4(1) (2024).

This court has stated that an employee’s knowing violation of an employer’s policies, rules, or reasonable requests generally constitutes employment misconduct. *Montgomery v. F & M Marquette Nat’l Bank*, 384 N.W.2d 602, 604 (Minn. App. 1986), *rev. denied* (Minn. June 13, 1986). An employee who misrepresents facts during the hiring process or on an employment application commits employment misconduct, provided the misrepresentation is material to the position sought. *Santillana v. Cent. Minn. Council on Aging*, 791 N.W.2d 303, 307 (Minn. App. 2010).

Whether an employee committed employment misconduct is a mixed question of law and fact. *Staff v. Vintage Place Inc.*, 796 N.W.2d 312, 315 (Minn. 2011). On appeal, this court defers to the ULJ's credibility determinations and will uphold the ULJ's findings of fact if they are supported by substantial evidence. *Skarhus v. Davanni's Inc.*, 721 N.W.2d 340, 344 (Minn. App. 2006). Substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Gonzalez Diaz v. Three Rivers Cmty. Action, Inc.*, 917 N.W.2d 813, 816 n.4 (Minn. App. 2018) (emphasis and quotation omitted). But appellate courts review de novo whether the facts found by the ULJ constitute employment misconduct. *Schmidgall v. FilmTec Corp.*, 644 N.W.2d 801, 804 (Minn. 2002).

Long argues that employment misconduct "did not occur" because her employer "was incorrect in their accounts of the interview process and what questions they asked at the time of [her] hire." Specifically, Long claims that she was never asked during her interviews with PM Staffing about her criminal history. And Long asserts that the director and the manager never "interview[ed her] as a pair" and, "therefore would not know what each asked."

Long's argument is unpersuasive because it challenges the ULJ's credibility determinations, and it is well settled that "[c]redibility determinations are the exclusive province of the ULJ and will not be disturbed on appeal." *Skarhus*, 721 N.W.2d at 345. Here, the director specifically testified that in "all interviews," including Long's interviews, the employer "go[es] through the same process," which included asking Long if there was "anything [in her] criminal history, pending, past, or present." The director

also testified that she specifically informed Long that they “cannot hire anybody with . . . financial crimes, embezzlement, or identify theft” due to the nature of the PM Staffing’s operations. And the director testified that Long answered “no” when asked if she had any “criminal history, pending, past, or present.” Finally, the manager testified that she was present for the second interview with Long and confirmed that the questions asked by the director are “routinely” asked in interviews and were asked in her interview with Long. The ULJ specifically found the PM Staffing’s employees’ testimony to be credible because “[t]here was nothing about [this] testimony in content or manner of delivery that suggested inaccuracy or deception.” We defer to that credibility determination. *See id.*

Long also contends that she did not engage in employment misconduct because she “did not know [she] even had a pending charge until after [she] started working for PM Staffing on 05/15/2024 and did not accept the felony conviction on a plea bargain until the end of June 2025.” But the ULJ found that “Long knew as of the day of her interviews that she had committed theft,” and “knew” during her interviews “or shortly thereafter that she was facing a criminal charge . . . that . . . disqualified her from working for PM Staffing.” And the ULJ found that, despite this knowledge, “Long elected to withhold this information.” The ULJ’s findings are supported by the testimony of the director and the manager, as well as aspects of Long’s testimony that the ULJ found to be credible. In light of the deference afforded the ULJ’s credibility determinations, the ULJ’s finding that Long engaged in the challenged behavior is supported by substantial evidence. Moreover, Long’s conduct, as found by the ULJ, seriously violated PM Staffing’s reasonable expectation that Long would tell the truth during the interview process. Therefore, the ULJ

did not err in determining that Long's conduct constituted disqualifying employment misconduct. *See Santillana*, 791 N.W.2d at 308 (determining that employee engaged in disqualifying employment misconduct when the evidence showed that it was unlikely that the employer would have hired the employee had she disclosed the real reason for her separation from her former employer).

Affirmed.